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OF

SCARCE AND VALUABLE

TRACTS,

93647

ON THE MOST

INTERESTING AND ENTERTAINING SUBJECTS:

BUT CHIEFLY SUCH AS RELATE TO THE

HISTORY AND CONSTITUTION

OF

THESE KINGDOMS.

SELECTED FROM AN INFINITE NUMBER IN PRINT AND MANUSCRIPT, IN THE ROYAL, COTTON, SION, AND OTHER PUBLIC, AS WELL AS PRIVATE, LIBRARIES;

PARTICULARLY

THAT OF THE LATE LORD SOMERS.

THE SECOND EDITION

REVISED, AUGMENTED, AND ARRANGED,

BY

WALTER SCOTT, Esq.

VOLUME EIGHTH.

The bent and genius of the age is best known, in a free country, by the pamphlets and papers that come daily out, as the sense of parties, and sometimes the voice of the nation. PREFACE TO KENNET'S REGISTER.

Judex qui aliquid statuit, una parte audita tantum et inaudita altera, licet æquum statuerit, haud æquus fuerit.
LD. COOK & JUST. INST.

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1812.

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TRACTS

DURING

THE REIGN OF KING CHARLES II.

SECOND CLASS CONTINUED.

CIVIL TRACTS.

THE

SOMERS

COLLECTION OF TRACTS.

KING CHARLES II.

SECOND CLASS CONTINUED.

CIVIL TRACTS.

The Earl of L——'s Letter to the Honourable Algernoon Sidney.

At the period of the Restoration, Algernon Sydney, the sternest and most inflexible among the English republicans, was acting, on the part of England, as an ambassador sent to mediate peace between Sweden and Denmark. His father, the Earl of Leicester, was naturally desirous to procure him some assurance of safety, before he should again return to England. But although General Monk, on account of former obligations, requested him to come to England, with many offers of favour and advantage, his father seems to have thought the step too hazardous to be thought of. Algernon Sydney accordingly remained abroad until 1677, when the Earl of Leicester was able to procure him a full pardon from Charles II.

DISUSE of writing hath made it uneasy to me, age makes it hard, and the weakness of sight and hand makes it almost impossible. This may excuse me to every body, and particularly to you, who have not invited me much unto it, but rather have given me cause to think that you were willing to save me the labour of writing, and yourself the trouble of reading my letters; for after you had left me sick, solitary, and sad at Penshurst, and that you had resolved to undertake the employment wherein you have lately been, you neither came to give me a farewell, nor did so much as send one to me, but only writ a wrangling letter or two concerning money, and Hoskins, and Sir Robert Honywood's horse; and though both before and after your going out of England, you writ to divers other persons, the first letter that I received from you was dated, as I remember, the 13th of September; the second in November, wherein you take no-

tice of your mother's death; and if there were one more, that was all, until Mr Sterry came, who made such haste from Penshurst, that coming very late at night, he would not stay to dine the next day, nor to give me time to write. It is true, that since the change of affairs here, and of your condition there, your letters have been more frequent; and if I had not thought my silence better both for you and for myself, I would have written more than once or twice unto you; but though for some reasons I did forbear, I failed not to desire others to write unto you, and with their own to convey the best advice that my little intelligence and weak judgment could afford: particularly, not to expect new authorities, nor orders from hence, not to stay in any of the places of your negociation, not to come into England, much less to expect a ship to be sent for you, or to think that an account was or would be expected of you here, unless it were of matters very different from your transactions there; that it would be best for you presently to divest yourself of the character of a publick minister, to dismiss all your train, and to retire into some safe place, not very near, nor very far from England, that you might hear from your friends some times.[1] And for this I advised Hamburgh, where I hear you are, by your man Powell, or by them that have received letters from you, with presents of wine and fish, which I do not reproach nor envy.

Your last letter to me had no date of time or place, but by another at the same time to Sir John Temple, of the 28th of July, as I remember, sent by Mr Missonden, I guess that mine was of the same date; by those that I have had, I perceived that you have been misadvertised; for though I meet with no effects nor marks of displeasure, yet I find no such tokens or fruits of favour as may give me either power or credit for those undertakings and good offices which perhaps you expect of me.

And now I am again upon the point of retiring to my poor habitation, having for myself no other design than to pass the small remainder of my days innocently and quietly, and, if it please God, to be gathered in peace to my fathers. And concerning you, what to resolve in myself, or what to advise you, truly I know not: For you must give me leave to remember of how little weight my opinions and counsels have been with you, and how unkindly and unfriendly you have rejected those exhortations and admonitions, which in much affection and kindness I have given you upon many occasions, and in almost every thing, from the highest to the lowest, that hath concerned you, and this you may think sufficient to discourage me from putting my advices into the like danger; yet somewhat I will say. And first, I think it unfit, and perhaps as yet unsafe, for you to come into England; for I believe Powell hath told you, that he heard, when he was here, that you were likely to be excepted out of the general act of pardon and oblivion; and though I know not what you have done or said here or there, yet I have several ways heard, that there is as ill an opinion of you as of any, even of those that condemned the late king; and when I thought there was no other exception to you than your being of the other party, I spoke to the general in your behalf; who told me, that very ill offices had been done you, but he would assist you as much as justly he could; and I intended then also to speak to somebody else, you may guess whom I mean; but since that I have heard such things of you, that, in the doubtfulness only of their being true, no man will open his mouth for you; I will tell you some passages, and you shall do well to clear yourself of them: It is said, That the university of Copenhagen brought their *album* unto you, desiring you to write something therein, and that you did *scribere in albo* these words;

Manus hæc inimica tyrannis,
Ense petit placida cum libertate quietem:

And put your name to it. This cannot chuse but be publicly known, if it be true. It

[1] From this it would seem that Sydney had originally some intention of returning to England.

is said also, That a minister, who hath married a Lady Laurence here, of Chelsey, but now dwelling at Copenhagen, being there in company with you, said, I think you were none of the late king's judges, nor guilty of his death, meaning our king. Guilty! said you; Do you call that guilt? Why, it was the justest and bravest action that ever was done in England, or any where else, with other words to the same effect. It is said also, That you having heard of a design to seize upon you, or to cause you to be taken prisoner, you took notice of it to the King of Denmark himself; and said, I hear there is a design to seize upon me; but who is it that hath that design? *Estce nostre bandit?* By which you are understood to mean the king.

Besides this, it is reported, That you have been heard to say many scornful and contemptuous things of the king's person and family; which, unless you can justify yourself, will hardly be forgiven or forgotten; for such personal offences make deeper impressions than publick actions, either of war or treaty. Here is a resident, as he calls himself, of the King of Denmark, whose name, as I hear, is Pedcombe; he hath visited me, and offered his readiness to give you any assistance in his power or credit with the ambassador, Mr Alfield, who was then expected, and is now arrived here, and hath had his first audience. I have not seen Mr Pedcombe since; but within a few days I will put him in mind of his profession of friendship to you, and try what he can or will do. Sir Robert Honywood is also come hither; and, as I hear, the king is graciously pleased to admit him to his presence, which will be somewhat the better for you, because then the exceptions against your employment and negociation, wherein you were colleague, will be removed, and you will have no more to answer for than your own particular behaviour. I believe Sir Robert Honywood will be industrious enough to procure satisfaction to the merchants in the business of money, wherein he will have the assistance of Sir John Temple, to whom I refer you for that and some other things.

I have little to say to your complaints of your sister Strayford's unequal returns to your affection and kindness, but that I am sorry for it, and that you are well enough served for bestowing so much of your care where it was not due, and neglecting them to whom it was due, and I hope you will be wiser hereafter: She and her husband have not yet paid the thousand pounds, whereof you are to have your part, by my gift; for so I think you are to understand it, though your mother desired it; and if for the payment thereof your being in England, or in some place not far off, be necessary, as some pretend, for the sealing of some writings, I think that and other reasons sufficient to persuade you to stay a while where you are, that you may hear frequently from your friends, and they from you; I am wholly against your going into Italy as yet, till more may be known of your condition, which for the present is hard; and I confess, that I do not yet see any more than this, that either you must live in exile, or very privately here, and perhaps not safely; for though the bill of indemnity be lately passed, yet if there be any particular and great displeasure against you, as I fear there is, you may feel the effects thereof from the higher powers, and receive affronts from the inferior; therefore you were best to stay at Hamburgh, which, for a northern situation, is a good place, and healthful.[1] I will help you as much as I can in discovering and informing you of what concerns you; though as I began, so I must end with telling you, That writing is now grown troublesome to

Your affectionate

LE———.

London, August 30, 1660.

[1] Sydney complied with his father's directions, by residing for some time at Hamburgh, but afterwards went to Italy.

The Honourable Algernoon Sidney's Letter against Bribery and Arbitrary Government, written to his Friend, in answer to theirs, perswading his Return to England.

Sir,

I am sorry I cannot in all things conform myself to the advice of my friends; if theirs had any joint concernment with mine, I would willingly submit my interest to theirs: But where I alone am interested, and they only advise me to come over as soon as the act of indemnity is passed, because they think it is best for me, I cannot wholly lay aside my own judgment and choice; I confess we are naturally inclined to delight in our own country, and I have a particular love to mine: I hope I have given some testimony of it; I think that being exiled from it is a great evil, and would redeem myself from it with the loss of a great deal of my blood. But when that country of mine, which used to be esteemed a paradise, is now like to be made a stage of injury; the liberty which we hope to establish, oppressed; all manner of prophaneness, looseness, luxury and lewdness set up in its height, instead of the piety, virtue, sobriety, and modesty, which we hoped God by our hands would have introduced; the best of our nation made a prey to the worst; the parliament, court, and army corrupted; the people enslaved; all things vendible; and no man safe, but by such evil and infamous means as flattery and bribery; what joy can I have in my own country in this condition? Is it a pleasure to see all that I love in the world sold and destroyed? Shall I renounce all my old principles, learn the vile court arts, and make my peace by bribing some of them? Shall their corruption and vice be my safety? Ah! no; better is a life among strangers, than in my own country upon such conditions. Whilst I live I will endeavour to preserve my liberty, or at least not consent to the destroying of it. I hope I shall die in the same principles in which I have lived; and will live no longer than they can preserve me. I have in my life been guilty of many follies, but, as I think, of no meanness. I will not blot and defile that which is past, by endeavouring to provide for the future. I have ever had in my mind, that God should cast me into such a condition, as that I cannot save my life but by doing an indecent thing, he shews me the time is come wherein I should resign it; and when I cannot live in my own country but by such means as are worse than dying in it, I think he shews me I ought to keep myself out of it. Let them please themselves with making the king glorious, who think a whole people may justly be sacrificed for the interest and pleasure of one man, and a few of his followers; let them rejoice in their subtilty, who by betraying the former powers have gained the favour of this; not only preserved, but advanced themselves in these dangerous changes. Nevertheless (perhaps) they may find the king's glory is their shame; his plenty the people's misery; and that the gaining of an office, or a little money, is a poor reward for destroying a nation! (which, if it were preserved in liberty and virtue, would truly be the most glorious in the world.) And that others may find they have with much pains purchased their own shame and misery, a dear price paid for that which is not worth keeping, nor the life that is accompanied with it. The honour of English parliaments have ever been in making the nation glorious and happy, not in selling and destroying the interest of it, to satisfy the lusts of one man. Miserable nation, that from so great a height of glory is fallen into the most despicable condition in the world, of having all its good depending upon the breath and will of the vilest persons in it! Cheated and sold by them they trusted! Infamous traffick, equal almost in guilt to that of Judas! In all preceeding ages parliaments have been the pillars of our liberty, the sure defenders of the oppressed: They, who formerly could bridle kings, and keep the ballance equal between them and the people, are now become the instruments of our oppressions, and a sword in his hand to destroy us: They themselves, led by a few interested persons,

who are willing to buy offices for themselves by the misery of the whole nation, and the blood of the most worthy and eminent persons in it. Detestible bribes, worse than the oaths now in fashion in this mercenary court! I mean to owe neither my life nor liberty to any such means; when the innocence of my actions will not protect me, I will stay away till the storm be over-passed. In short, where Vane, Lambert, and Haslerigg cannot live in safety, I cannot live at all. If I had been in England, I should have expected a lodging with them; or, though they may be the first, as being more eminent than I, I must expect to follow their example in suffering, as I have been their companion in acting. I am most in amaze at the mistaken informations that were sent to me by my friends, full of expectations of favours and employments. Who can think that they who imprison them would employ me, or suffer me to live, when they are put to death. If I might live and be employed, it cannot be expected that I should serve a government that seeks such detestible ways of establishing itself? Ah! no; I have not learnt to make my own peace by persecuting and betraying my brethren, more innocent and worthy than myself; I must live by just means, and serve to just ends, or not at all. After such a manifestation of the ways by which it is intended the king shall govern, I should have renounced any place of favour, into which the kindness and industry of my friends might have advanced me, when I found those that were better than I were only fit to be destroyed. I had formerly some jealousies, the fraudulent proclamation for indemnity encreased, the imprisoning of those three men, and turning out of all the officers of the army contrary to promise, confirmed me in my resolution not to return.

To conclude, the tide is not to be diverted, nor the oppressed delivered; but God in his time will have mercy on his people: He will save and defend them, and revenge the blood of those who shall now perish upon the heads of those who, in their pride, think nothing is able to oppose them. Happy are those whom God shall make instruments of his justice in so blessed a work. If I can live to see that day, I shall be ripe for the grave, and able to say with joy, "Lord! now lettest thou thy servant depart in peace," &c. (so Sir Arthur Haslerigg on Oliver's death.) Farewell; my thoughts, as to king and state, depending upon their actions. No man shall be a more faithful servant to him than I, if he make the good and prosperity of his people his glory; none more his enemy, if he doth the contrary; to my particular friends I shall be constant in all occasions, and to you

A most affectionate Servant,
A. SIDNEY.

News from Dunkirk-House: or Clarendon's Farewel to England, in his seditious Address to the Right Honourable the House of Peers, December 3, 1667; *which was afterwards, according to the Sentence and Judgment of both Houses of Parliament, burnt by the Hand of the Common Hangman, in the presence of the two Sheriffs, with a great and signal applause of the People, December* 12, 1667.

Printed in the Year 1667.

The fall of Clarendon, perhaps the most virtuous statesman whom England ever produced, was followed by his impeachment by the House of Commons. But their bill of impeachment was rejected by the House of Lords, as it did not contain any charge of treason which they deemed suffi-

ciently specific. In the interim, the king, through the medium first of the Bishop of Hereford, and afterwards of the Duke of York, exhorted his disgraced minister to quit the kingdom. Clarendon embraced this advice with reluctance, and made it his first business upon landing at Calais to address the following justification of his conduct to the House of Lords. The paper was read in the House accordingly, and extremely ill received, being construed as injurious to the King's honour and justice. The Commons, yet more highly incensed, voted that Clarendon's address contained untruth, scandal, and sedition, and appointed it to be burned by the hands of the common hangman. It is here reprinted, with a title calculated to inflame the minds of the common people, who used popularly to call a house which the chancellor had built, of a size somewhat too splendid for his fortune, by the odious name of Dunkirk-House, inferring that part of the money obtained for the surrender of that town was employed in the structure. Some stones also, designed for repairing St. Paul's church, were purchased by the chancellor, and used in this unfortunate fabrick, of which the chancellor himself is said to have prophesied at his first entrance into it, that the house would be his ruin. The sum of the objections against Clarendon and his palace are thus expressed by a lampoon of the period:

"Here lie the sacred bones
Of Paul, beguiled of his stones;
Here lie the golden briberies
Of many ruined families;
Here lies the cavaliers debenture wall
Fixed on an eccentric basis;
Here's Dunkirk town and Tangier hall,
The Queen's marriage, and all
The Dutchmen's *templum pacis.*"

To the Right Honourable the Lords Spiritual and Temporal, in Parliament assembled; the humble Petition and Address of Edward Earl of Clarendon.

May it please your Lordships,

I CANNOT express the insupportable trouble and grief of mind I sustain under the apprehension of being misrepresented to your lordships. And when I hear how much of your lordships' time hath been spent upon the mention of me, as it is attended with more public consequence, and of the difference in opinion which hath already, or may probably arise, betwixt your lordships and the honourable House of Commons, whereby the great and weighty affairs of the kingdom may be obstructed in a time of so general dissatisfaction, I am very unfortunate to find myself to suffer so much under two very disadvantagious reflections, which are in no degree applicable to me.

The first, From the greatness of my estate and fortune, collected and made in so few years; which if it be proportionable to what is reported, may give reasonable cause for my integrity to be suspected.

The second, That I have been the sole manager and chief minister of all the transactions of state since the king's return into England, to August last; and therefore that all miscarriages and misfortunes ought to be imputed to me and to my counsels.

Concerning my estate, your lordships will not believe that after malice and envy have been so inquisitive, so sharp-sighted, I will offer any thing to your lordships but what is exactly true: And I do assure your lordships in the first place, that (excepting the king's bounty) I have never received or taken one penny, but what was generally understood to be the just and lawful perquisites of my office, by the constant practice of the best of times; which I do (in my own judgment) conceive to be that of my Lord Coventry and my Lord Ethesmere, the practice of which I constantly observed; although the office in both their times was lawfully worth double to what it was to me, and I do believe now is.

That all the courtesies and favours which I have been able to obtain from the king,

or other persons, in church, state, or Westminster-Hall, have never been worth to me five pounds; so that your lordships may be confident I am as innocent from corruption, as from any disloyal thoughts, which after near thirty years service of the crown, in some difficulties and distress, I did never suspect would have been objected to me in my age. And I do assure your lordships, and will make it very manifest, that the several sums of money, and some parcels of land, which his majesty hath bountifully bestowed upon me since his return into England, are worth more than all I have amounts unto; so far I am from advancing my estate by any indirect means. And though this bounty of his majesty hath very far exceeded my merits, or my expectations; yet some others have been as fortunate, at least in the same bounty, who had as small pretences to it, and have no great reason to envy my condition.

Concerning the other imputation, of the credit and power of being chief minister, and so causing all to be done that I had a mind to do; I have no more to say, than that I had the good fortune to serve a master of very great judgment and understanding, and to be always joined with persons of great ability and experience, without whose advice and concurrence never any thing hath been done.

Before his majesty's coming into England, he was constantly attended by the Marquis of Ormond, the late Lord Culpepper, and Mr Secretary Nicholas, who were equally trusted with myself, and without whose joint advice and concurrence, when they were all present, (as some of them always were) I never gave any counsel.

As soon as it pleased God to bring his majesty into England, he established his privy council, and shortly out of them a number of honourable persons of great reputation (who for the most part are alive still) as a committee for foreign affairs, and consideration of such things as the nature of them require much secrecy: And with these persons he vouchsafed to join me, and I am confident the committee never transacted any thing of moment (his majesty being always present) without presenting the same to the council-board: And I must appeal to them concerning my carriage, and whether we were not all of one mind in all matters of importance. For more than two years I never knew any difference in the council, or that there were any complaints in the kingdom, which I wholly impute to his majesty's great wisdom, and the intire concurrence of his council, without the vanity of assuming any thing to myself: And therefore I hope I shall not be singly charged with any thing that hath since fallen out amiss.

But from the time that Mr Secretary Nicholas was removed from his place, there were great alterations; and whosoever knew any thing of the court or council, knew well how much my credit since that time hath been diminished, (though his majesty graciously vouchsafed still to have my advice in most of his affairs) nor hath there been, from that time to this, above one or two persons brought into the council, or preferred to any considerable office in the court, who have been of my intimate acquaintance, or suspected to have any kindness for me; but most of them known to have been very long my enemies, and of different judgment and principles from me, both in church and state; and who have taken all opportunities to have lessened my credit to the king, and with all other persons, by misrepresenting and misreporting all that I said or did; and persuading men that I had done them some prejudice with his majesty, or crossed them in some of their pretences, though his majesty's goodness and justice was such, that it made little impression upon him.

In my humble opinion, the great misfortunes of the kingdom have proceeded from the war, to which it was notoriously known that I was always most averse; and may without vanity say, I did not only foresee, but I did declare the mischiefs we should run into, by entering into war before any alliance with the neighbour princes: And that it may not be imputed to his majesty's want of care, or the negligence of his counsellors, that no such alliances were entered into, I must take the boldness to say, that

his majesty left nothing unattempted in order thereunto: And knowing very well that France resolved to begin war upon Spain as soon as his catholick majesty should depart this world; which being much sooner expected by them, they had in the two winters before been at great charge in providing plentiful magazines of all provisions upon the frontiers, that they might be ready for the war; his majesty used all possible means to prepare and dispose the Spaniards with that apprehension, offering his friendship to that degree, as might be for the security and benefit of both crowns: But Spain, flattering itself that France would not break with them, at least that they would not give them any cause, by administering matter of jealousy to them, never made any real approach towards friendship with his majesty; but, both by their ambassadors here, and to his majesty's ambassadors at Madrid, always insisted as preliminaries, upon the giving up of Dunkirk, Tangier, and Jamaica.

But France had an ambassador here, to whom a projecto for a treaty was offered, and the Lord Hollis, his majesty's ambassador at Paris, used all endeavours to promote and prosecute the said treaty, yet it was quickly discerned that the principal design of France was to draw his majesty into such a nearer alliance, as might advance the design, without which they had no mind to enter into the treaty proposed.

And this was the state of affairs when the war was entered into with the Dutch; from which time neither concerned themselves with the making of alliance with England.

As I did from my soul abhor the entering into this war, so I never presumed to give any advice or counsel for the way of managing it, but by opposing any propositions which seemed to the late lord treasurer and myself to be unreasonable; as the payment of the seamen with tickets, and many other particulars, which added to the expence.

My enemies took all occasions to inveigh against me, and making friendship with others of the council of more licentious principles, as who knew well enough how much I disliked and complained of the liberty they took to themselves of reviling all counsel and counsellors, and turning all things serious and secret into ridicule:[1] They took all ways imaginable to render me ungrateful to all sorts of men, whom I shall be compelled to name in my own defence, persuading those that miscarried in any of their designs, that it was the chancellor's doing; whereof I never knew any thing.

However, they could not withdraw the king's favour from me, who was still pleased to use my service with others; nor was there ever any thing done but upon the joint advice of at least the major part of those that were concerned. And as his majesty commanded my service in the late treaties, so I never gave the least advice in private, nor wrote one letter to any person in any of those negociations, but upon the advice of the council; and after it was read in the council, or at least by the king himself, and some other. And if I prepared any instructions or memorials, it was by the king's command, and the request of the secretaries, who desired my assistance; nor was it any wish of mine own, that any ambassador should give me account of the transactions, but to the secretaries, with whom I was always ready to advise: Nor am I conscious to myself of ever having given advice that proved mischievous or inconvenient to his majesty: And I have been so far from being the sole manager of affairs, that I have not in the whole last year been above twice with his majesty in any room alone, and very seldom in the two or three years preceding.

[1] This is pointed against the witty Duke of Buckingham, whose interest with the king was thrown into the scale against Clarendon. The severity of the chancellor's virtue, which was not without its conscious pride, imposed a painful restraint upon the frolics of Charles, which Buckingham inflamed, sometimes by terming Clarendon the king's school-master, sometimes by mimicking his grave and haughty demeanour, holding a pair of bellows for the purse, while Colonel Titus marched before him with a shovel on his shoulder to represent the mace, a sort of farce which pleased the merry monarch but too well.

And since the parliament at Oxford, it hath been very visible that my credit hath been very little, and that very few things have been hearkened unto which have been proposed by me, but contradicted, *eo nomine*, because proposed by me.

I most humbly beseech your lordships to remember the office and trust I had for seven years; in which, in discharge of my duty, I was obliged to stop and obstruct many men's pretences, and to refuse to set the seal to many men's pardons, and other grants, which would have been profitable to them which procured them; and many whereof, upon my representation to his majesty, were for ever stopped: Which naturally have raised many enemies to me.

And my frequent concurring with the late lord treasurer, with whom I had the honour to have a long and a fast friendship to his death, in presenting several excesses and exorbitances, (the yearly issue so far exceeding the revenue) provoked many persons concerned, of great power and credit, to do me all the ill offices they could. And yet I may faithfully say, that I never meddled with any part of the revenue, nor the administrations of it, but when I was desired by the late lord treasurer to give him my assistance and advice, (having had the honour to serve the crown as Chancellor of the Exchequer) which was for the most part in his majesty's presence.

Nor have I ever been in the least degree concerned, in point of profit, in the letting any part of his majesty's revenue; nor have ever treated or debated it, but in his majesty's presence, in which my opinion concurred always with the major part of the council; all which, upon examination, will be made manifest to your lordships, how much soever my integrity is blasted by the malice of those who, I am confident, do not believe themselves; nor have I, in all my treaties, otherwise received the value of one shilling, from all the kings and princes in the world, except the book of the Louver, sent by the Chancellor of France, by the king's direction, but from my own master, to whose intire service, and to the good and welfare of my country, no man's heart was ever more devouted. This being my present condition, I do most humbly beseech your lordships to retain a favourable opinion of me, and believe me to be innocent from these foul aspersions, until the contrary shall be proved, which, I am sure, can never be, by any man worthy to be believed; and since the temper of the times, and the difference between the two houses, in the present debate, with the power and malice of my enemies, who give out they shall prevail with his majesty to prorogue or dissolve the parliament in displeasure, and threaten to expose me to the rage and fury of the people, may make me to be looked upon as the cause which obstructs the king's service, and the unity and peace of the kingdom: I most humbly beseech your lordships, that I may not forfeit your lordships' favour and protection, by withdrawing myself from so powerful a prosecution, in hopes I may be able, by such withdrawing, hereafter to appear, and make my defence, when his majesty's justice, to which I shall always submit, may not be obstructed, or controuled, by the power and malice of those who have sworn my destruction. *Exit* CLARENDON.

Dr Bates's congratulatory Speech to the King, November 22, 1667. In the Name of the dissenting Ministers in and about London.

This address seems to have been made with the view of turning the king's eyes towards the flood of profaneness, and dissolute morals, which broke in upon the country after the Restoration. But,

however praiseworthy the purpose, it is difficult to conceive how the reverend addressers could venture to touch upon the "excellent virtues" exhibited by Charles II. in his own practice.

May it please your Majesty,

YOUR happy return, with peace in your retinue, has raised a spring-tide of joy that overflows the nation. This great blessing we primarily owe, with our most solemn and dutiful thankfulness, to the God of peace, who has calmed the tempestuous world, and changed the black scene of horror and misery; wherein the most tragical cruelties were acted, cities were fired, and the fires quenched in the blood of the citizens; wherein death and despair appeared in their terrible shapes; and has introduced a bright scene of prosperity, wherein innocence and liberty, commerce and abundance are secured. This we owe, as to the secondary cause, with our most humble gratitude, to your majesty; your open and generous opposition in the field of battle has tamed our potent enemies, who presumed to level all obstacles to their lofty designs, as if their power had been equal to their pleasure. They had broke through the circles of justice and honour, but your majesty has fixed such bounds as may prevent their swelling exorbitancies for the future.

Europe has seen with admiration your courage and heroic heat, guided by an equal light, and superior to all dangers in war: There is a just expectation that an equal honour will attend your majesty for your ruling wisdom, your justice tempered with equity and goodness in the counsels of arts and peace; You are the glory of your subjects abroad, and their delight at home. Your influxive presence is the vital breath the kingdom draws, the vital band that unites its parts, and prevents their breaking into confusion.

Your majesty is ordained for victories. There are more noble conquests to be obtained over worse than foreign enemies: Prophaneness in manners, and pernicious doctrines in religion, that fight against the soul, and, notwithstanding our peace on earth, expose us to a fearful war with Heaven. We live in an age of degenerate wickedness; wherein are numberless numbers of resolved looseness, who, by their bold impieties, defy the supreme Majesty of Heaven: These we hope by your authority and influence may be restrained, if not truly reformed; for whereas other princes assume an infamous prerogative to live as they list, to satisfy their vicious appetites without controul, your majesty exhibits such excellent virtues in your practice, as may be a persuasive pattern, and commandingly exemplary to your subjects.

And whereas there are such doctrines frequently published s are infinitely injurious to the person and office of our Blessed Saviour, we hope your pious zeal for his divine honour will put a stop to the licentiousness of the press, that the contagion of the dead may not corrupt the living. This will be a most pleasing sacrifice of praise to the Blessed God, who has preserved your most precious life in raging war, and from more imminent dangers, by the dark and cruel conspiracy of wicked enemies.

We humbly renew the assurances of our inviolable loyalty, and our continual prayers, that God would preserve your sacred person, and make your majesty always happy in your government, and your subjects happy in their obedience.

An Account of the Reasons which induced Charles the Second, King of England, to declare War against the States-General of the United Provinces in 1672: *And of the private League which he entered into at the same time with the French King to carry it on, and to establish Popery in England, Scotland, and Ireland, as they are set down in the History of the Dutch War. Printed in French at Paris, with the Privilege of the French King, in* 1682. *Which Book he caused to be immediately suppressed, at the instance of the English Ambassador.*

Licensed, March 5, 1689, *by James Fraser.*

Printed in the Year 1689.

It is now generally conceded that the Dutch wars were entered into chiefly from the prevalence of French influence at the court of London, although stimulated, no doubt, by the commercial rivalry of the two great maritime states. Louis, who joined a great zeal for popery to his ambitious desire of arbitrary power, made Charles's conversion to that religion a leading article of their private treaty, of which the other objects were, to render the King of England independent of his parliaments, and to unite the power of both monarchies for the ruin of the States of Holland.

When King Charles the Second declared war against the States of the United Provinces, in 1672, and assisted the King of France by sea, in the prosecution of a war which brought that great common-wealth, and, with it, the protestant interest of this part of Europe, so very near a final period, it was industriously and carefully given out, that religion was not in the least concerned in the quarrel. The honour of the King of England and of his people so insolently trampled upon by the States-General; the hindering of our East-India trade, with the affronts which were put upon our merchants at Surinam; their disputing the sovereignty of the sea, and refusing to take down their flag to our ships, unless we would promise to engage actually in a war against France, were the causes which were publickly pretended; and answerable artifices were made use of to engage the people to a concurrence, which were carried on with so good success, that the parliament consented to allow such sums of money as should be sufficient for the carrying on the charges of that war.

Yet these reasonings were not so plausible, but that most considering men easily saw through them. Those that loved the protestant interest, could not with patience endure to see the triple league, which was the greatest fence of their religion against the growing greatness of France, broken, and new leagues made with the king, whose aim at an universal monarchy was then as visible, though the effects of it had not been near so fatal as they are now. Therefore, other methods were followed at home; the dissenters were caressed, and a declaration of indulgence was set out, wherein the king expresses so very great zeal for the protestant religion, which he had so eminently

professed in his most desperate condition abroad among Roman Catholic princes,[1] that he allowed to protestant dissenters the public and free exercise of their religion, in houses set apart for that purpose, which was only granted to Roman Catholicks in their own houses. And, lest this might have too much alienated the church of England, whose members bore so great a sway in that parliament, that a breach with them, at that time, might have stopped his designs upon Holland in a great measure, by their refusing to pay the charges of the war, he declares, in the next session of parliament, "This indulgence should not any way prejudice the church, but that he would support its rights and it, in its full power."

His declarations, both at the time when this war was on foot, and even afterwards, as long as he lived, were outwardly so very passionate and warm for the protestant religion, and the preservation of the English government, that unless such frequent repetitions of that, which in good manners none would seem to question, might look like overdoing, and so breed suspicions, nothing could have ever shaken that opinion, which was so firmly grounded in the hearts of all his subjects. He professed,[2] that he should esteem it the most unpardonable crime which could be committed against himself, to raise any suspicions of his unsteadiness in the protestant religion in the minds of his people; and this restrained almost all his subjects, who were so dazzled with his other royal endowments, that they could never be persuaded to suspect so much artifice in a prince, whose natural goodness, and sweetness of temper, did so effectually charm all those who had the honour to be near his person.

But though these repeated protestations had wrought so intire a confidence in the minds of his people, that they rested satisfied in the sincerity of his intentions, and interpreted all those actions which tended to the supporting of the popish interest in England to his tenderness towards the Duke of York,[3] whom he resolved never to abandon,[4] notwithstanding the importunities of his people, and the safety of himself and his kingdoms, seemed to require it: Yet the king of France was so tender of his honour, as to conceal these private treaties and alliances, which, at his solicitations, the king entered into against the United Provinces, and to the destruction of the protestant religion, and the overthrow of English liberties; but he consented so far to the publication of an account of the war with Holland, and of the reasons and motives which engaged the two kings to carry it on, that the Abbot Primi, who put out the book in the Italian tongue, was employed by Mr Colbert de Croissy, and a pension was allowed him for his pains, in publishing it also in French: Which book was published by authority at Paris in the year 1682. It is well known how severe that government is in matters of that nature, where nothing is ever publickly set forth of any importance, as to the church or state, but what perfectly agrees with the inclinations and interests of those who are there so very absolute. It was publickly known at Paris, that Mr L'Abbe Primi had a pension from Mr Colbert de Croissy; and when men are employed by ministers of state to publish accounts of the transactions of the government, their writings are rather looked upon as apologies than histories: It makes no real difference, whether what a man writes, in such a case, be a translation or an original, he will be supposed to have endeavoured to please those who employed him; and all the fair protestations of sincerity, and faithfulness, and skill, which such a man can use, will be only looked upon as words of course, when once the reasons of his setting up for an historian are publickly known. The original of Count St Majolo was printed in Italian; and the priviledge ran as well to the printing it in Italian as French:

[1] Vid. The King's Declaration of Indulgence, December 26, 1662.

[2] Declaration of Indulgence, December 26, 1662. [3] A papist, and his brother.

[4] To the mercy of the parliament, and protestant subjects of England, who, for the safety of the king and country, required his exclusion from the throne at thedemise of his brother the king.—*Orig. Notes.*

Howsoever, I do judge that the name of Count St Majolo was a kind of trickof the Abbot Primi, to talk of secret alliances, of breaking leagues, of his master's persuading the King of England to seize the Dutch Smirna fleet, and of several other secrets in the negotiations of Holland, England, and France, in his own name. For, when all is laid upon a foreigner, one may speak with great assurance, and the Count St Majolo will then answer for the very things for which Monsieur L'Abbe receives his pension.

If our minister at Paris, when this book first appeared, had not, by a timely and a diligent application, procured its being stopped, we might without question have had several other important secrets published in the following books (for we have only two books of ten printed) which now we can only conjecture at. But the earnest complaints of my Lord Preston, who was then envoy from King Charles the Second at Versailles, prevailed so far, that the book was immediately stopped, and the edition totally suppressed, so that very few had ever heard of it, and much fewer, especially in England, had seen it. And, to put a face upon the matter, Mon. L'Abbe was thrown into the Bastile; from whence, after a mock-imprisonment of nine or ten days, he was let out again. All that were at Paris at that time knew the story; and all, that were at all acquainted with the arbitrary severity of the French government, could easily see through the grimace; which was the better covered, because Count St Majolo was to bear all the blame; who, if he be not related to Puffendorf's Monzambano, (another Italian count also) yet his testimony might easily be over-ruled, and so could furnish those persons with a ready excuse, whose interest it was that such agreements, which were contrary to their open and publick protestations, should either never be known, or, if once divulged, not believed.

I shall not stand to compare the matters of fact which are here set down with those reports which at that time passed current in England; they are things which fall within most people's memory;[1] my business is only to give such an account of our proceedings as was published at Paris with the privilege of the King of France, as fully granted as in any other case whatever. Our author[2] tells us that the growing greatness of the King of France, after the peace of Aix-la-Chapelle was concluded, by the mediation of the King of England, was so very terrible to the Queen-mother of Spain, who was guardian to her son, Charles II., King of Spain, that she employed her ablest ministers to persuade England, Holland, and Sweden, to join in an alliance, for the preservation of the peace, and the reciprocal security of each others kingdoms.

The Hollanders, he tells us, greedily embraced it, and ran into the triple league with great readiness, not much concerning themselves with France, which, they thought, could make no great opposition to them by sea; and by land, they were so fortified by the natural fences of their dikes, that they apprehended, on that side, no sort of danger.

A constant series of success against the Spaniards, who declared them a sovereign and independent republic in 1648, pushed them on to great insolencies against the King of France:[3] They interposed in the affairs of Germany, as if they had been immediately concerned: They determined peace or war amongst their neighbours, as they thought would be most for their own interest: They threatened to ruin the kingdom of France, by prohibiting any commerce with French manufactures, and scattered medals and pictures very derogatory to the honour of the French king. Their busying themselves so much with the affairs of Germany, was a means to engage the Bishop of Munster to keep up his army, after he had concluded a peace with the Duke of Brunswick Wolfembuttel, and to declare against the encroachments of the Hollanders upon the empire:[4] Which opportunity the French king laid hold of to make an alli-

[1] This being published in the year 1689. [2] Page 18, 19. [3] Page 21. [4] Page 45.—*Orig. Note.*

ance with him, and the princes of the house of Furstemberg, and the Bishop of Strasburgh, against Holland; by which means he secured the passes upon the Rhine and the Maese, which lay convenient for the setting upon the Hollanders by land, who till then had thought themselves secure from any attacks on that side.[1]

He engaged the emperor also to a neutrality, and persuaded him to ratify those alliances which the French king had already made with the Bishops of Munster and Strasburgh, and the princes of the house of Furstemberg,[2] with assurances that he would not concern himself in those quarrels, unless either the Empire or the King of Spain should be invaded.

The king of England was already very much dissatisfied with the Hollanders, [3] and was willing enough to disengage himself from the triple league: For the Hollanders had refused to stand to those regulations about the East-India trade which had been concluded upon at Breda; and their vessels would not lower their topsails to the English men of war, and they disputed the sovereignty of the sea, unless the King of England would declare for them against France, in case of a breach; which things were very dishonourable for the English nation, and were great instances of the treachery of the Hollanders, and of the small assistance which the English could promise to themselves from their friendship.

Colbert de Croissy, the French ambassador at London,[4] urged all these things to the King of England, he put him in mind of the medals which the Hollanders published, wherein they attributed to themselves all the glory of concluding the peace at Aix-la-Chapelle, which had been obtained by the King of England's mediation; and told him, that this was the time wherein he might take his revenge upon a nation which had so little respect for kings; and that he never could expect a more favourable opportunity, [5] since several German princes had already entered into a league, and the King of France was sufficiently powerful to satisfy all his confederates in the prosecution of this war, both as to their advantage and credit. [6] These things engaged the King of England to sign a secret treaty with France; and, to make it the more firm, Henrietta, Dutchess of Orleans, a princess whose wit was equal to her beauty, sister to the King of England, and sister-in-law to the King of France, went over into England in 1670, and proposed a treaty to her brother, in the name of the most Christian King, wherein she proffered to secure to him an absolute authority over his parliament, and the re-establishment of the Roman Catholick religion in his three kingdoms of England, Scotland and Ireland. But she said, that before this could be effected, there was an absolute necessity of abating the haughtiness and power of the Hollanders, who only studied to foment divisions amongst their neighbours; and to reduce them to the single province of Holland, of which the Prince of Orange should be sovereign, or at least perpetual governor, which would not be difficult for these two mighty kings, when once well united, to accomplish; so that by this means the king of England might have Zealand to retire to, if there should be occasion; and that the rest of the Low-Countries should remain to the King of France, whenever he should be able to conquer them.

[1] Page 52. [2] Page 57, 58. [3] Page 58. [4] Page 59. [5] Page 60, 61.

[6] Ce qui engagea ce prince a signer un traité secret avec la France; et pour l'asseurer encore d'avantage Henriette d'Angleterre, Duchesse d'Orleans, Princesse qui avoit autant d'esprit que de beauté, sœur du Roy d'Angleterre, et belle sœur du Roy de France, passa en Angleterre 1670, et proposa au Roy son frere, au nom du Roy tres-Chrêtin, de lui asseurer un autorité absolue sur son parlement, et de restablir la Religone Catholique dans les Royaumes d'Angleterre, d'Escosse, et d'Irlande. Mais elle disoit que pour en venir à bout, il falloit avant toutes choses abaisser l'orgueil et la puissance des Hollandois qui ne songeoient qu' ame à mettre la division parmi leurs voisins; et les reduire à la seule province d'Hollande, de laquelle le Prince d' Orange seroit Soverain, ou au moins gouverneur perpetuel, ce qui ne seroit pas difficile à deux grands roys puissants et bien unis, et que par ce moyen le Roy d'Angleterre auroit la Zelande, pour lui servir de retraite en cas de basoin, et que le reste des paysbas demeureroit au Roy de France, s'il pouvoit s'en rendre maistre.—*Orig. Notes.*

When the King of France had thus secured himself by these alliances, he immediately began his preparations for war, and filled his stores, and raised men, some publickly, and some under-hand, all over France, in Switzerland, Italy, and England.

Though these negociations, and especially with England, were carried on with all the secrecy that matters of that importance required, yet the Hollanders had such notices given as did exceedingly surprise them. They could not imagine, that the English would quit the triple league; they said, this was a report raised by the French to amuse mankind withal;[1] they thought, that the present conduct of the King of England gave convincing proofs to the contrary: He had just before dismissed out of his port a fleet of Dutch merchantmen, and some Amsterdam vessels besides, and recalled Sir George Downing, his minister at the Hague, for speaking with too much warmth to the States-general;[2] so that, in short, he seemed in all his actions to declare, that his intentions of keeping up a good correspondence with Holland were sincere. However, the breaches every day grew wider and wider between France and Holland, and matters were carried so far on both sides, that the French king resolved to begin the war the next spring;[3] and in the mean time he took secret measures with the King of England,[4] to set upon them together, and to surprise them both by sea and land.[5] As for the King of England, he was exceedingly perplexed; there was need of money to carry on the design, and that secretly too:[6] He could raise none at home, without calling a parliament, and that could not be done without acquainting all Europe with his designs; there was also great fear of opposition, both from the misunderstandings, which in that tumultuous assembly do for the most part arise between the two houses, and from the intrigues of the Hollanders. For which reasons the King of France furnished him with such sums of money as were sufficient to send a considerable fleet; and he advised the King of England (the better to conceal their agreements) to keep a fair correspondence outwardly with the Dutch, to appear firm to the triple league, and declare that he set out a fleet for no other reasons, but because his neighbours, and especially the French, who made great preparations in all their ports upon the ocean, strengthened themselves so very considerably by sea.[7]

Yet all this was not carried on so secretly, but their own residents at London, and the ministers of other princes in King Charles's court, gave the Hollanders such sure advertisement of his altering his measures, that they found it past all question. Pensioner de Witt fell in a swoon in the Stadt-house, upon the reading of a letter which gave him an account of it;[8] and, as soon as he had recovered himself, he proposed to send the Heer Meerman into England, to renew the old alliances; who was immediately seconded by the Marquis del Freno, the Spanish minister,[9] who was sent thither on purpose to join with him in making use of all sorts of arguments which might oblige the King of England to break off his new treaty with France.[10]

But all these applications proving ineffectual, all things tended to a war: It was known that the King of England had declared for France; and that, being provoked with the usage which his subjects had received at Surinam, he had renewed a treaty

[1] Page 65. [2] Page 75. [3] Page 76. [4] In the year 1672. [5] Page 87.

[6] Le Roy d'Angleterre de son coté estoit embarasse, il faloit du secret et de l'argent pour faire reussier l'enterprise, et il ne pouvoit rien tirer de ses peuples qu'en convoquant son parlement, ce qui faisoit connoitre ses desseins à tout l'Europe, outre que cette assemblée tumultueuse par la mauvaise intelligence qui est ordinairement entre les deux chambres et par les intrigues des Hollandois pouvoit s'y opposer; mais le Roy tres-Chretien luy envoya des sommes suffisantes pour mettre en mer un flotte considerable, et luy conseilla pour mieux cacher leur union de temoigner aux Hollandois qu'il vouloit bien vivre avec eux, de paroitre ferme dans les traitez de triple alliance, et de publier qu'il ne vouloit avoir une flotte que parceque ses voisins, et particulierement les Francois, faisoient de grands armemens dans tous le ports qu'ils avoient sur l'ocean.

[7] Page 88. [8] Page 89. [9] Page 91. [10] Page 93.

with France against Holland, and had promised to begin the war, provided that his most Christian majesty would declare war against the States in the beginning of May.[1]

And though the earnestness which the king and the Duke of York shewed in the prosecution of this business was extraordinary, though they set out ships and manned them with all the industry and application possible; yet, because the government of England was mixed, or composed of kings, lords, and commons, and that in the great concerns of the nation, or in raising of money, there was a necessity of a parliament, which is, like the people of whom it is made up, not always of the same mind;[2] and that the variableness of their climate is even visible in their councils; and, besides, since the Duchess of Orleans died soon after her return to France; for these reasons the King of France did not much rely upon any assistance from England, and so took his measures in such a manner, that the King of England might be assured they must succeed, in case he should fail him; and therefore he would not suffer the rage of the English against the Dutch at that time to cool, but he rather endeavoured to plunge them into a war, by such an action as might correspond to their earnest desire of being revenged.

And this design soon succeeded; for, the French having notice of the return of the Dutch Smyrna fleet, which were then at sea, they immediately acquainted the King of England with it,[3] and told him, that this was a favourable opportunity for him to engage the English in a certain war: They told him, that such a prize would furnish him with more money in one day, than he could get from his parliament in a year;[4] and perhaps so great a prize might put him, during the whole course of the war, in such a condition, as that he would not stand in need of his parliament; and that he ought not to let slip such an opportunity, because he certainly knew, that what success soever it might have, yet his people, who always carried themselves very high upon a prosperous turn of affairs, who were sensible of affronts, would spare for nothing which might carry on the war, wherein they might expect to humble the Dutch, and to revenge the wrongs of their merchants, and of their nation in general, upon those who will dispute the sovereignty of the sea with them.

Upon these sollicitations the king consented, and sent Sir Robert Holmes, with nine men of war, into the Channel, to expect the coming of the Smyrna fleet.[5] And it had this effect, that though the Dutch (who had some notice of it before) did, in a thick foggy night, escape without any very considerable loss; yet this engaged the English to a war, which was immediately hereupon openly proclaimed by the King of England, against the States-general; which was earnestly pressed by Mr Colbert de Croissy, who advised them not to delay, after the striking so signal, as well as so unexpected a stroke.[6]

How far the causes alledged in the declaration of war, which followed soon after, and the reasons by which the king endeavoured to persuade his parliament to a hearty concurrence with him in it, agreed with these motives, every man may judge. Whoever considers the carriage of the King of France in other things, will not wonder at such a piece of treachery, as the publication of these secrets was, whilst King Charles II. was alive: And I believe, that the sending a man to the Bastile for ten days, who was notoriously known to have been employed for this very purpose, did convince as few people of the falshood of these pretended alliances, as the sending of Mr Skelton to the Tower by King James II. did, which was so very like, that one would think the mock-proceedings against Mr L'Abbe Primi gave a pattern to the King of England to animadvert upon his own minister, who, by the confession of the French resident at the Hague, acted by his majesty's order only the second part of what the Abbot wrote.

[1] Page 119. [2] Page 120. [3] Page 121. [4] Page 122. [5] Page 123. [6] Page 132.

A Letter written by an unknown Hand, whereof many Copies were dispersed among the Commanders of the English Fleet.

This letter obviously refers to the Dutch war of 1672, when a general spirit of dissatisfaction with the quarrel in which they were engaged had pervaded the greater part of the nation, and even it would seem the sailors, by whom chiefly it was to be carried on. The following letter is calculated to place the spirit of military honour in opposition to the disheartening considerations arising from the nature of the war.

Dear Cousin,

GOING yesterday to your father's house, partly to see him, but chiefly to learn when he heard from you, and what news was lately from the fleet; he told me, you were in health, the fleet near ready to sail, and then shewed me a letter he was just ready to send you, wherein, among other things, I found these words:

"Have a care of yourself, be not fool-hardy, by venturing too far into the fight; there are ships enough to beat the Dutch without yours; and captains enough in the fleet who will prudently shew you the way to keep farthest off when danger is nighest; and then you need not fear the aspersion of a coward, as long as you have good company: Therefore I say again, be wisely cautious, for your death would certainly break the heart of my daughter, and bring my grey hairs with sorrow to the grave."

I had scarce patience to read out so much, without tearing the letter in a thousand pieces, and I could not forbear such language as did but ill agree with the friendship between us: If you are, said I, so mighty fond of your son, send for him home presently, and let him run no other danger than what he may meet in a London tavern or bawdy-house; when he has a mind to fight, let bowls be his bullets, and broad oaths and curses his gun-powder; at other times, let him have nothing else to do, but treat his wife, or, as the fashion is, his wench, at the play-house, Hide-park, or Spring-garden. As soon as I had vented my passion and grew calm, I so far convinced your father of his fault, that himself burnt his letter; and desired me to write one more suitable to my own inclination.

According to that little notice I have taken of sea-matters, I think our captains in general, and you among the rest, rather need a spur than a curb,[1] when you are going to fight; and therefore, quite contrary to the former advice, I will set before your eyes the justice, and the danger, that attends a cowardly commander.

1. He robs the king and kingdom, not only of the money himself receives, but likes wise, of so much as the whole charge of the ship, with provisions and wages, amount-to, by rendering the same of no use, just when it should do the king most service; he murders all those gallant men which are slain by the enemy, and loses those ships

[1] It is impossible to avoid remarking, that the sailors of Charles the Second's time must have differed very much in metal from those of ours, if they really required such admonitions.

which fall into their hands for want of being well seconded; he betrays his own party to the enemy, by keeping back the expected assistance; and the weakening of us, and the helping of them, is all one; nay, as if he had received a bribe to do mischief, he fires both over and into the ships of his friends; so helping both ways to bring them to ruin, he completes in himself the character of a traytor. By these means it is our battles are lost, or at best so balanced, when they might have been won, that after a fight, the enemy, sooner than we, are in a condition of disputing the victory. No common high-way robber is half so great a rogue, as that officer who takes wages, and dares not, or does not, fight bravely, when there is an occasion.

2. As he largely contributes to the loss of the battle, so he hazards doubly his own loss: For it is observable (I am sure in land fights) that where one is killed standing stifly his ground, five are destroyed in the running away; and I am told, in your sea-fights too, you lose most men when you fight at greatest distance from the enemy: But then, besides the danger of the enemy, the coward has more reason to be afraid of his friends, they being likely to hate him the most who before had the best esteem of him; and a gallows may easily catch him at home, whom a bullet abroad could not reach; so that to him may be well applied our Saviour's saying, "He that will save his life, shall lose it."

3. His fear impeaches the Divine Providence, which chiefly glories to exercise itself in times and places of most eminent hazard. I know some valiant men, who have come off unwounded from the heat of at least twenty battles; God oftentimes makes those places safest where we apprehend the most danger, and those most dangerous we think most secure. Thus, my dear cousin, you see a coward, with a commission, is neither a good subject, a good christian, nor a good or wise man, in any sense; but must be of necessity a traytor to the king, a thief to his country, a murderer of his own party, and consequently detested of God and man. Consult therefore your own heart, and if fear dwell at bottom, do not cozen any longer the king's expectation; lest, by staying another battle, you let all the world be witness of that shame, which yet may be easily hid. You may find fair excuses enough to lay down your commission, and the prince can find men enough to take it up, who better deserve it, But if you will stay and fight, resolve to fight bravely, so as you may do service to the king, and gain yourself lasting reputation.

If there happened any disgust between you and any other commander in the fleet, either for wrongs really received or supposed, or because he, being a man of less desert, is preferred and advanced before you, consider that a fraction of the parts tends fairly to the ruin of the whole, and that your safety and success does chiefly depend on your unity and a right understanding. If therefore you would be thought faithful to the king, if you would not be found false to your country, let all private quarrels die, or at least go to sleep, till the public ones are decided.

In the mean time, assist one another by all manner of kind offices, as often as it lies in your power; let the enemy only feel the effects of your indignation, and make it appear, by the greatness of your actions, that you are the man of most merit.

When duty bids go, never stay for the example of any others; but rather strive all you can to make yourself their example. In a good cause God prospers best the bold adventurer; let gallant resolution lead the van, and glorious victory shall bring up the rear.

Sheerness, July 16. 1673.

A brief Enquiry into Leagues and Confederacies made betwixt Princes and Nations, with the Nature of their Obligation. Composed in the Year 1673, *when England and France were Confederates in a Common War against Holland; and England made a separate Peace with Holland, leaving France engaged in the War. By Sir Philip Meddows.* 1681.

This tract touches, but with a gentle hand, upon the injustice and inconsistency in which England engaged herself, by casting aside the triple alliance almost at the instant it was concluded, and combining with France for the destruction of Holland, one of the contracting parties in their recent league.

That which gives the formal obligations to all contracts, both publick and private, those betwixt princes and governments, and those betwixt particular persons, is the will or assent of the persons contracting. And what the mind or meaning and intention of those persons was at the time of their contracting, that, and no more, is the subject matter contained in the contract. I add those words *no more*, because in matters of fact and promise, as no man is obliged to what he never assented, so no man can assent to what he never intended.

But these acts of the will and mind of men are intrinsick, secret, and not known, till manifested and declared by some outward sign, such as words, which of all others are the most natural and proper signification of our inward sentiments. Now, a man having signified his meaning by his words, and thereby also testified his assent thereto, the obligation of his will becomes extended to comprehend, not his intrinsick meaning only, but his words also. And he is bound to the true and just performance of them, as they are the declarative testimony made by himself, of his invisible and otherwise unknown intention.

And lest we should still be in the dark concerning the meaning of the very words themselves, reason dictates, that in matters of contract they ought to be given, and taken also, (without manifest cause to the contrary) in their most plain and simple sense, according to their popular use, and received propriety. For contracts and covenants transfer a right from one man to another, and if every man were left at liberty in his own cause, and to his own advantage, either to substitute or suborn what tacit meaning he pleases, though never so repugnant to his words; or to affix what sense he will upon his words, though never so disagreeing to his otherways signified intention; these, and either of these, if admitted, would subvert the faith of all contracts. Things stipulated betwixt man and man would be under loose uncertainties; no man's right could be known, and controversies would be endless things destructive to human society, and which introduce confusion into the moral world.

But still it is true also, that a man is obliged to no more than what his will and intention was to oblige himself unto; nor do his words superinduce any new obligation upon him, but only declare a former, arising from his inward assent; and consequently extend that former obligation to what is now declared; and have no power

to alter his secret meaning, but only to testifie it; and are not to be considered as disjoined from it, but conjoined with it. And if a man does not rightly express what he truly means, he is unhappy therein, and it may involve him in trouble and inconvenience. Yet if by the most probable conjectures it can be found, that his true meaning was different from what his words seemingly import, equity will relieve him, by preferring his meaning before his words. Nay, if the meaning of men, in their mutual pacts and stipulations could certainly be known without words, the superaddition of words would be wholly useless and superfluous.

Quid? verbis satis hoc cantum erat? minimé. Quæ res igitur valuit? Voluntas; Quæ si tacitis nobis intelligi posset verbis omnino non uteremur, quia non potest, verba reperta sunt, non quæ impedirent sed quæ indicarent voluntatem. Cic. Orat. *pro* A. Cæc.

Therefore in the interpretation of all contracts, that which primarily and principally is to be regarded in case any doubt arises, is, what the mind or intention of the contractors was. And this must be collected from all the probable signs and indications, not only words whether spoken or written, but of other rational conjectures, fetched from their several topics of precedent causes, concurring circumstances, necessary consequents or effects, and the like. And where there is no reason to the contrary, nothing of absurdity that would follow, or which admitted would render the contract useless, we ought to stand to the propriety of the words; yet still with this difference, that in matters odious they ought to be restrained to their narrowest signification, in matters favourable, inlarged to their full latitude; in both according as the nature of the thing and the equity of the case shall direct. But never to be extended to things unlawful, impossible, contrary and repugnant, absurd and irrational. What's unlawful a man ought not to will, and if he does, his act morally considered is a nullity, and so not obligatory. What's impossible he cannot perform, and so in vain to will it. Contraries he cannot will at the same time, because repugnant. And 'tis to be presumed, that a man of reason will not will what's irrational.

Dimidia pars navium.

It was a manifest caption and cavil in the Romans, who being to divide the ships betwixt them and Antiochus by equal shares, cut every ship into two equal parts. For half the ships, according to the usual propriety of the words, is not the half of every ship cut asunder, but half of their entire number, with respect first had to their goodness and dimensions.

It was not said, *Non inferat*, but *non generent bellum.*

After the second Punic war, it was covenanted by league that the Carthagenians should not have or wage war with any without leave of the Roman people. The word war is general and partible into the two species of invasive and defensive. The question is, whether in this case it shall be extended to both species, or restrained only to invasive. Here 'tis to be considered, that the subject matter of the question is of a thing odious and burdensome, viz. the diminution of liberty, both civil and natural. For nature allows every man a right of defending himself, by repelling force with force, and if every man, then much more a politick society. The equity of their case directs us to believe, that the Carthagenians would not renounce so necessary a right. The propriety of the word war is salved well enough by restraining it to the principal species of war, viz. invasive, which carries with it a greater ostentation of power than a defensive. Thus in a matter odious, the equity of the case directing, and the propriety of the words having or waging war allowing, they shall be construed only to restrain the Carthagenians from any hostile aggression or invasion of others, but not from the necessary defence of themselves when attaqu'd by an enemy.

But suppose the words of the said league had been to forbid the Carthagenians the furnishing or relieving any enemy of the Roman people with arms. Here the word arms is likewise general, and may be divided into offensive and defensive. The question is, whether in this case it shall be taken generally to comprehend all arms, or restrictively to arms offensive only, which are the nobler sort of arms, and sometimes the nobler species is taken for the whole genus, as in the former case of war. If we proceed by the former method we shall find, that the matter of the question is of a thing favour-

able and beneficial, viz. the hindring the relief of an enemy. That the intentional equity of the case is to debar an enemy from all instruments of hostility, not only those whose proper use is to hurt, as swords, bows, javelins, &c., but those also whose proper use is to repel all hostile hurt, such as shields, helmets, coats of mail, or what else were the use of that age; but so as not to extend the words beyond the subject matter of arms, to clothes, victuals and the like, for such are not arms, and though they repel hurt, as cold and hunger, yet it is not hostile hurt. And we find also, that the propriety of the words best agrees here with their largest acceptation. It is clear therefore, that in this case the relieving of an enemy with arms, shall be understood contrary to what in the former, not restrictively to arms offensive only, but extensively so as to comprehend all arms whatsoever.

All leagues and confederacies properly so called, made and contracted betwixt princes and nations, are but the deductions and political results of natural justice and wisdom, as they are particularly applicable to the present emergencies of state. Justice examines their principles, wisdom their ends. So that if two or more princes confederate together against a third, whom they declare their common enemy; and the war so declared be in its nature manifestly unjust, this is an ill grounded war through defect of the principal, and is rather a combination than a league, for every league both in name and nature implies a tie or obligation, but no prince is tied to be unjust. Suppose the war to be as to its principal just, and so the league initially good, yet if, by the necessary concomitants and consequents thereof it be found that in the event it will certainly involve one of the confederates in apparent ruin and destruction, this, if continued, is an ill advised war, and the obligation to it ceases through defect of the end. For no prince is bound to destroy himself. And the proper and adequate end of all leagues and alliances betwixt princes and governments, is the safety and benefit of each others crown and people.

Liga a ligando.

If there be principal and accessary in a war, and the principal be satisfied as to the terms and conditions of peace offered, the other prince, who is but the accessary, ought to acquiesce; but if both be principals, the one is free to pursue his right though the other desists.

The French king declared England principal in the war against Holland.

A prince cannot oblige himself to continue a war during the pleasure of his confederate, or which is all one, not to make a peace without the others consent. When I say he cannot, I mean not any civil impotency or defect of power on the part of the prince, but a moral impossibility or repugnancy on the part of the thing. And if a treaty be couched in such like terms, they are either meerly insignificant, or must admit of some equitable construction to make them reducible to a practical sense. For otherwise, according to the rigour of the letter, such words would oblige a prince to continue an unreasonable, an untimely, a calamitous war, only to gratifie the ambition, will, or humour of another. And this will be to tie a prince to do what he is already tied not to do, which is a moral contradiction.

But put the case the treaty obliges both princes to continue the war by a conjunction of forces, till both may obtain reasonable conditions from their common enemy. In this case each prince shall have the judgment, not only of his own, but of the others conditions also, so far forth as they relate to the continuance or discontinuance of the war on his part, else upon pretext that his conditions are not reasonable, that one may everlastingly opiniastre the war, and consequently engage the other in it during his single pleasure.

All leagues and contracts, as well with princes as with private persons, are ever mutual and reciprocal, and are always made betwixt two parties at fewest; and where there are but two in the contract, if one of them departs from it, it is no longer a contract. Now a prince by the non performance of every material point contained in the league or treaty violates the faith thereof, and departs from the league itself. And this non performance on the part of the one prince does not operate by way of investing

in the other a power or moral faculty of breaking or non performing with him in a matter of the like nature; for then it would tantamount to this, because one is false to me, therefore I may be false to him. But it operates by way of annulling and voiding the whole league, as having no longer any obligation in it. It becomes a meer cancelled bond, and is so far from being an agreement, that in the issue and effects it proves a disagreement.

No prince is bound by any league to perish singly or in company with another, and the safety, welfare, and prosperity of his people are his primary obligation. First in time, and first in dignity, to which all treaties and transactions with foreign princes are but secondary and subservient, neither can any of them be pleaded to evacuate that original and fundamental obligation. And though private persons may in several instances contract to their own great hurt and damage, and still be bound up thereby, yet it is otherwise with princes in their publick and politick capacities, because of the conjugate interest of prince and people. Forasmuch as a prince cannot greatly hurt himself without hurting them, to the preservation of whom, and to the procuring of whose good and benefit, he is already preingaged. In which sense it is infallibly true, *Actus posterior non præjudicat priori.*

Princes, in their making leagues and confederacies each with other, take their measures from the consideration of the present posture and condition of their affairs in the whole complexe of them both at home and abroad. If the same reasons and inducements remain, which first moved them to enter into the league, not to persist in it would be levity at least, and if conjoined with a design of deceiving and hurting another, no less than perfidy. But if a new scene of affairs opens quite different from the former, if unexpected accidents fall out which change the reason of the case, such as if either of the confederates could have had the foreknowledge of, he would never have entered into the league. Here the cause of it ceases. The foundation fails. The prince is to consult the present conjuncture, to take other measures suited and adapted to the new state of things. For to debar a prince from accommodating his councils to new and unforeseen emergencies, is equally absurd as to oblige a mariner not to shift his sails according to the variation of the winds. A prince thinks it just and reasonable under his present circumstances to enter into a society of arms with another, and be confederate with him in a common war. The condition of his affairs afterwards changes, and as then considered, renders the war unreasonable; his people fall into distempers at home; his arms more requisite elsewhere. The continuation of the war followed with a train of fatal consequences at first not so easily discoverable. In this case the prince needs none to dispense or absolve him, if any other could dō it besides the person contracted with, from the tie and bond of his confederacy. He was never obliged under these circumstances, nothing of this case was included in the league, and therefore tacitly excepted; the then state and condition of his affairs, which was the moving and leading cause to his consenting to it, is now quite different and become another thing, and the former motives to a war are now changed into more powerful arguments for a peace.

It is the same in all pacts and promises betwixt private persons; they are all subject to the tacit condition of things abiding in the same state, not as if human affairs could long abide without change, but it is meant only of things relating to the pact or promise, such as contributed to the being of it, and without which implied it had not been made.

Omnia esse debent eadem quæ fuerunt cum promitterem, ut promittar iis fidem teneam. Quicquid mutatur libertatem facit de integro consulendi et meam fidem liberat.— Sen. de Benef. *lib.* 4. *cap.* 35.

For example, I promise my friend I will relieve him as long as I live, and never suffer him to want. But I was then in the possession of a plentiful fortune, am now reduced to penury, so that what I have barely suffices my own necessities. Here my promise binds me not, nature teaching, and charity permitting to prefer myself. Perhaps my friend becomes a criminal to the state, and by law, though a subsequent one,

I am forbid to relieve him. Here my duty to the government forecludes my promise. Or if an usurper forbids me under capital penalties, though I owe him no duty of obedience, yet self-preservation acquits me. Nor can it be supposed that I meant to oblige myself to supply another's wants, with the loss or eminent hazard of my own life. Perhaps I promised to a friend, and he afterwards turns my enemy, and what I intended for his good he perverts to my hurt, here I may justly retract my abused benefit. Infinite cases may be framed, wherein the change of things shall change the reason, and consequently the obligation of a promise. And though when I promised, I did not caution expressly against such accidents and events, under which I would be understood not to be bound, because I could not know nor foresee them all; yet common and universal reason shall be pleaded in aid of the weakness of my private understanding. For bare words ought not to be extended to over-rule the reason of things, but on the contrary, the reason of things ought to regulate the interpretation of words. And all stipulations and contracts consist as well of what is rationally implied, as what is verbally expressed.

But if common reason and equity be justly pleaded in benefit of a private person, where his life and fortune lye at stake, how much more shall it be in the case of a prince, where the conservation of a community is concerned. And if unforeseen accidents fall out in the ordinary occurrences of human life, how much oftner in the case of a war, that grand scene of vicissitudes and mutability.

The case of the Gibeonites recorded in sacred history, who by surreption, and not without a fraudulent lye, obtained a league, wherein they yielded their persons slaves and bondmen to redeem their lives, will, if duly examined, make nothing towards the invalidating of what is before affirmed, as may to his satisfaction be seen by him who has the leisure to consult Grotius in his 2d Book *de Jure Belli ac Pacis*, cap. 13. paragr. 4.

England is confederate with France in a war against Holland, and France at the same time makes war against Spain, who is an allie of England.

In case two princes be confederates in a war against a third, and one of them, by hostile provocations occasionally arising from this war, or by voluntary design, engages himself in a new war against a fourth prince, who is a friend and allie of the other confederate, to the multiplication still of more wars by a superfætation. In this case the state of affairs is quite altered from what it was when the league was first entered into, and that other confederate will labour under a double disadvantage. For first, the forces of his confederate will by this new war be distracted and divided, and consequently more of the burden and danger of the war devolved upon him. 2dly. The assistance which he gives his confederate, and which is intended for maintainance of the war against a common enemy, will either wholly or in part be diverted to a war against his own allie; and by this means shall with one hand fight against his enemy, and with the other against his friend. And in case the conservation of the amity of that allie be of great use to him and his people, and his true interest complicated therewith, he shall now become engaged in an unnatural war against himself.

But put the case still stronger. Suppose it was cautioned in the treaty of the league, that if the war which the two confederates were to make against a third prince or state should occasion a new war against one of those confederates from a fourth prince, that in such case both the said confederates should still assist each other in the prosecution of the war, and moreover declare that fourth prince or state their common enemy. Here an unforeseen accident or unexpected change cannot be pleaded, because this new war is not only supposed but provided against by express covenant.

To this I answer two ways. First, if one of the confederates has already a league and alliance with that fourth prince, against whom this new war is to be undertaken, and no violation of the league on the part of that prince, that proviso, how express soever, is absolutely void. For no prince is obliged, in compliance with his word to a new

confederate, to break his faith with an old one; and where contracts prove repugnant one to another, the first stands good, the second is a nullity.

If it be said there has been a violation of the league on the part of that prince, by his giving assistance to an enemy. As in the case now before us, Spain assists Holland, with whom England is at war. To this will be answered, Spain assists not Holland against England, but against France. And never did any league or treaty forbid a prince, or can forbid him to assist his friend, against his own and his friend's common enemy, for this were utterly to subvert the fundamental principles and maxims of all political prudence and reason.

But secondly, though this accident of a new war arising with another prince was supposed, yet many others as weighty as that may fall out wholly unforeseen, for 'tis not possible for human understanding to enumerate all future contingencies. Peradventure the disposition of a prince's affairs at home, the temper of his people, some important considerations of a private nature and not fit to be published, may render a peace absolutely necessary, of which the prince is the sole judge. And if, upon serious and mature thoughts, he finds his inducements, real not feigned, weighty not frivolous, not levity or inconstancy in the case, but necessity, and such a one as he suffers under, not sought for by him to palliate a fraud. If upon such circumstances he treats a peace exclusive of his confederate, who, upon notice given him, refuses to be included, especially if just and honourable conditions be offered him from his enemy, the adequate end of all just arms, and which when rejected may make a war originally just become unjust; I say, in so doing the faith and honour of the prince remain unblemished. Nor is it any more imputation to him than to the master of a ship bound upon a voyage, though it requires haste, not to put out to sea when the wind is contrary, or to put back to port when the storm arises.

For no supposed covenants, stipulations, or conditions may be admitted to interpose betwixt the safety and welfare of a prince or people; all such are directly contrary to the intention of the contractors and the end of the contract, and are nothing but words depraved and distorted from their genuine meaning by the artifice of them, who would either preserve or aggrandise themselves by another's ruin.

And as no human understanding can enumerate all future accidents, so no finite being can engage itself against all future events; this is a task only for omniscience and omnipotence, for an infinitely extended wisdom, which overtakes futurities, and for a power commensurate to that wisdom.

The honour of a prince, which is his moral conscience, is too nice and delicate a thing for the ungentle touch of a private hand. And 'tis difficult to give a particular solution to all the phænomena, without an exact knowledge of the original treaties, with their relatives, dependencies, and circumstances, wherein the honour of the prince is supposed to be concerned. But this may be confidently affirmed, if one prince shall measure the obligation of his leagues and treaties with foreign nations by the standard of his own interest, and no longer abide by them than they abide that test; and in so doing justify himself by the common practice and usage of the most civilised nations in all ages, whilst the other is tied up to all the niceties and punctilios of words heightened by an interested casuist; this scrupulous prince will be subjected to mighty disadvantages, and be fast bound when the other is loose. Now that the practice and usage of nations has been such, is a plentiful topick in history, and a large field to expatiate in: It may suffice in this place slightly to touch some few instances.

See Thuan. and Cambd. Ann.

Henry the Fourth of France made a league offensive and defensive with Queen Elizabeth of England and the States-general of the United Provinces, with express covenants that no one should make peace with Spain without consent of both the others.

The treaty was solemnly ratified at Paris, with many vows and protestations made by the king in the presence of the Earl of Shrewsbury, the English ambassador, and re-

peated in sundry letters under his own hand to the queen; to whom he also owed a great debt of gratitude for many signal kindnesses, and seasonable supplies of men and moneys. Yet afterwards, finding his people tired and exhausted with continual wars, which had lasted forty years, and having good conditions offered him from Philip of Spain, he signifies to the queen and States his disposition to a peace. And though Secretary Cecil from hence, and Barnevelt from the States, were sent expressly to him to confirm him in the league, who spared not to press home upon him the faith thereof, and that not without some sharp expostulations; yet that king excused himself by the importunity of his affairs, protesting, that his refusal of a peace with Spain would involve him in commotions at home; that the law of nature preferred self preservation; that the kingly office willed his peoples' good should be the supreme law; that Christian duty required the sparing of Christian blood. And so concluded a separate treaty at Vervins, and left the queen and the States to prosecute their war against Spain.

In the year 1635, began the open rupture of the peace made at Vervins. And war was solemnly proclaimed betwixt the two crowns of France and Spain. From which time sundry treaties were made betwixt France and the States-general for carrying on a common war against Spain their common enemy, with defences of the one to make a separate treaty without comprehension of the other. Yet the States-general awakened at length to discern, that the lower the Spanish scale was depressed, the higher that of France would be lifted; and that while they enlarged their border upon the Spanish Netherlands, they fought themselves the nearer to France. And that as it was necessary for them on the one side to maintain banks for securing their low countries against inundations of the sea, so it was as needful for them on the other side to preserve a Spanish barrier in Flanders, interposed betwixt them and the impetuous overflowing torrent of a French power. They at last embraced the honourable and advantageous conditions tendered them, and concluded a peace with Spain. Which though France resented, and Monsieur Servient, the French plenipotentiary at Munster, could tell them, That though he had but one eye, he could see that one day they would repent it. Yet the States thought themselves out of pupillage, and capable to judge their own concerns in the last resort. Nor did they think it reasonable that France should be the sole arbitrator of peace and war, not only for themselves, but for their allies also. They did not exclude France from the peace, but France would not be included. And they conceived the French king had no more reason to formalise against them for concluding a separate peace, than the States had to be offended with him for carrying on a separate war, which continued near twelve years longer, down to the treaty at the Pirenees, in the year 1659. Both had equal right of judging and of chusing what they judged their proper interest: And *Qui jure suo utitur nemini facit injuriam.*

Frederick the Third of Denmark, being confederated with the Pole and Brandenburger against Sweden, under strict defences of entering into a separate treaty without the inclusion of the other allies, yet the Swedish king having made that miraculous march over the frozen seas into Zealand, the Dane, impelled by the necessity of his affairs, concluded that memorable treaty at Roschild, which, under the mediation of England and France, saved Denmark. And his father, Christiern the Fourth, had done the like in the year 1629, when worsted by the Imperialists, after he had confederated with the Princes of Saxony, Pomeren, and Mecklenburg. In both which cases there was a force put, and a moral necessity, which resolved into this, *Quicquid cogit excusat.*

But what shall we say to the aforementioned treaty at the Pirenees, where France covenanted by article to abandon Portugal, and send them no more succours of monies, men, ammunition, &c. contrary to former conventions with that crown, and that upon no cogency of their affairs, for they were then in a flourishing condition; but in ex-

change for several advantageous concessions from Spain, of which when France was in possession, that article was soon superseded.

But this is nothing to my purpose, neither am I willing to enlarge further, because I did not design a full tract, but only a brief and modest enquiry.

The Lord Chancellor's Speech upon the Lord Treasurer's taking his Oath in the Exchequer the 26th of June, 1673.

The treasurer who was installed upon this occasion was Sir Thomas Osborne, then created Earl of Danby, and afterwards Duke of Leeds. This statesman, whose life was marked by the most strange and rapid alternations of favour and disgrace, rose to be prime minister on the dissolution of the celebrated cabal in 1673. The chancellor who delivered the inaugural speech was the celebrated Anthony Ashley Cooper, Earl of Shaftsbury, whose busy and versatile politics were so conspicuously displayed through this whole reign.

My Lord Treasurer,

THE king of his grace and favour hath made choice of you to be Lord High Treasurer of England, as also Treasurer of his Exchequer, which are two distinct offices. The first you are already possessed of, by the king's delivery of the white staff, and have taken the oath for that office before me in another place. The other his majesty hath conferred on you by his letters patents, under the great seal, which I am to deliver your lordship, after you have been sworn into that office in this court; of which, by this patent, you are made a chief judge.

Kings are as gods, and bestow honour, riches, and power where they please; but in this they are as men, that they can only choose, not make a person adequate to their employment: For if their choice be merely favour, not fitness, their omnipotency is quickly seen through. Our great master hath therefore chosen you, one he has had experience of these many years, as a member of this House of Commons, which hath been so fruitful a nursery of our English ministers and statesmen. Besides, your lordship was some years since joined with another very able and worthy person in the treasury of the navy, and after that managed it alone: So that you have before this been trusted with three parts of five of the revenue of the crown.

My Lord,

You are in a place, the very best that any English subject is capable of; therefore you are in another position, not only to the king our master, but to us all, than you were ever before. He and we have all reason to look upon you as a man at ease, and that has nothing to wish, but the prosperity of his master and the nation, that you may quietly and long enjoy so great a place, under so good a master. There is no more to be asked of you in this condition, but that you know your own interest, and that will secure you to the king's and the nation's. I repeat them thus together, be-

cause none but mountebanks in state-matters can think of them asunder. And let me say to your lordship, that however happy you have been in arriving to this high station, yet *Parta tueri non minor est virtus.* Many great men have proved unfortunate, in not observing that the address and means to attain great things are oftentimes very different from those that are necessary to maintain and establish a sure and long possession of them.

My Lord,

It will be no civility to you to hold you longer; the visits you are to make to the several offices of the Exchequer will take you up the rest of this morning. I shall only add my good wishes, that your lordship may long enjoy the honour of this great employment, and his majesty the satisfaction of his choice.

London, 29th Nov. 1674.

A Scheme of the Trade, as it is at present carried on between England and France, in the Commodities of the Native Product and Manufacture of each Country; calculated as exactly as possible, in Obedience to the Command of the Right Honourable the Lords Commissioners for the Treaty of Commerce with France; and humbly tendered to their Lordships.

Quantities.	Commodities Exported from England into France.	Amount of Particulars.	Total Amount of Exports.
	Woollen and Silk Manufactures.		
		£ s. d.	£ s. d.
354	Pieces of Norwich stuffs, at . . 2 0 0 per pc.	708 0 0	
5,564	Pieces of serges and perpetuanas, at 2 10 0 . .	13,910 0 0	
2,288	Pieces of single bayes, at . . . 2 10 0 . .	5,764 0 0	
166	Small minikin bayes, at . . . . 6 0 0 . .	996 0 0	
466	Small double bayes, at . . . . 4 0 0 . .	1,864 0 0	
2,140	Dozen mens worsted hose, at . 2 0 0 . .	4,280 0 0	
832	Dozen mens worsted hose, at . 1 5 0 . .	1,040 0 0	
1,170	Dozen of childrens hose, at . . 0 8 0 . .	468 0 0	
400	Yards of flannel, at . . . . . 0 1 0 . .	20 0 0	
1,200	C. goads of cotton, at . . . . 9 0 0 . .	10,800 0 0	
112	Long cloths, at . . . . . 10 0 0 per cl.	1,120 0 0	
42	Short cloths, at . . . . . 8 0 0 . .	336 0 0	
829	Spanish cloths, at . . . . . 15 0 0 . .	12,435 0 0	
97	Double northern dozens, at . . 5 0 0 . .	485 0 0	
69	Single northern dozens, at . . 2 0 0 . .	138 0 0	
13	Devon dozens, at . . . . . 2 0 0 . .	26 0 0	
173	Cloth rashes, at . . . . . 5 0 0 . .	865 0 0	
6	Pennystons, at . . . . . 3 0 0 . .	18 0 0	
3,985	Kersies, at . . . . . 1 15 0 . .	6,273 0 0	
3,560	lb. English wrought silk, at . . 2 0 0 . .	1,920 0 0	
	This is the full of what was exported, according to the Custom-house books in the port of London, from Michaelmas 1668, to Michaelmas 1669. And for all England we calculate one third part more. Amounts in all to . .	63,466 0 0 . . .	84,621 6 8
	Carried forward, .	. . .	84,621 6 8

Quantities.	Commodities Imported into England from France.	Account of Particulars.	Total Amount of Imports.
	Linnen and Silk Manufactures.		
		£ s. d.	£ s. d.
60,000	Pieces of lockram and dowlas, at . 6 0 0 per pc.	360,000 0 0	
17,000	Hund. of Vitry and Noyal's canvas, at 6 0 0 per hd.	102,000 0 0	
5,000	Hundred of Normandy canvas, at . 7 0 0 . .	35,000 0 0	
2,500	Pieces of quintins, at . . . . . 0 10 0 per pc.	1,250 0 0	
1,500	Pieces of dyed linnen, at . . . . 1 0 0 . .	1,500 0 0	
7,604	Yards of diaper tabling, at . . . 0 2 0 . .	760 8 0	
33,896	Yards of diaper napkining, at . . 0 1 0 . .	1,694 16 0	
1,376	Dozen of buckrams, at . . . . 2 10 0 . .	3,440 0 0	
1,200	Bolts of poldavies, at . . . . . 0 15 0 . .	900 0 0	
2,820	Pair of old sheets, at . . . . . 0 5 0 . .	705 0 0	
150,000	Pound of wrought silk, at . . . 2 0 0 . .	300,000 0 0	
	Note.—That this year, 1674, there hath been received at the port of Dover only, as we are informed, 15,000*l.* for custom of wrought silk: So that considering what may be conveyed away privately, and that great quantities are worth from 3*l.* to 4*l.* the pound, we believe the wrought silk may amount to much more in value than what is above.		807,250 4 0
11,000	Tuns of French wine, one year with another, cost . . . } 12 10 0 per tun,	137,500 0 0	
4,000	Tuns of brandy, one year with another, at . . . . . } 20 0 0 per tun,	80,000 0 0	
			217,500 0 0
	Carried forward, .	. . .	1,024,750 4 0

A Scheme of the Trade, as it is at present carried on between England and France, in the Commodities of the Native Product and Manufacture of each Country; calculated as exactly as possible, in Obedience to the Command of the Right Honourable the Lords Commissioners for the Treaty of Commerce with France; and humbly tendered to their Lordships.—Continued.

Quantities.	Commodities Exported from England into France.	Amount of Particulars.	Total Amount of Exports.	Quantities.	Commodities Imported into England from France.	Account of Particulars.	Total Amount of Imports.
	Woollen and Silk Manufactures.	£ s. d.	£ s. d.		Linnen and silk manufactures.	£ s. d.	£ s. d.
	Brought forward, . . .	. . .	84,621 6 8		Brought forward, ...	. . .	1,024,750 4 0
	Since 1669, the exports, as we conceive, are diminished, and not encreased.	£ s. d.		160,000	Reams of paper, at . . . . . 0 5 0 per ream.	40,000 0 0	
2,500	Fodder of lead, at . . . . . 12 0 0 per fod.	30,000 0 0		1,500	Pes of pruens, at . . . . . 4 0 0 . .	6,000 0 0	
6,000	Hundred of tin, at . . . . . 4 0 0 per c.	21,000 0 0		400	Hundred of feathers, at . . . 5 0 0 per hund.	2,000 0 0	
100	Tuns of allom, at . . . . . 24 0 0 per tun.	2,400 0 0		5,000	Hundred of Kidskins, at . . . 3 0 0 . .	15,000 0 0	
	Calves skins and leather, ...	10,000 0 0		3,000	Weight of salt, at . . . . . 2 0 0 per weight,	6,000 0 0	
	Several sorts of skins, glew, lanthorn leaves, butter, copperas, old shoes, sea-coals, tobacco-pipes, gloves, red-lead, linseed, candles, iron-ware, haberdashery ware, and other trivial commodities, which may amount, per annum, to	20,000 0 0		6,000	Hundred of rosin, at . . . . 0 8 0 per hund.	2,400 0 0	
			86,400 0 0		Vinegar, rape, cyder, wadd, cork, oakam, soap, turpentine, capers, olives, brignoles, parchment, window-glass, teasels, corn-fans, basket-rods, box-wood, and cremor tartar, which may amount, per annum, at least to	40,000 0 0	111,400 0 0
			171,021 6 8				1,136,150 4 0
	Balance gained by the French from us yearly, besides the toys, gloves, laces, &c., ...	. . .	965,128 17 4		Besides all manner of toys for women and children, fans, jessamin-gloves, laces, point-laces, rich embroidered garments, and rich embroidered beds, and other vestments, which are of an incredible value.		
			1,136,150 4 0				

By the account above, your lordships may perceive that the linnen and silk manufactures only, imported from France, amount to upwards of eight hundred thousand pounds; and the manufactures of wool and silk exported from England thither, do not amount to eighty-five thousand pounds. As also all other commodities of the product and manufacture of England exported into France, do not amount to ninety thousand pounds more: Whereas, the wines, brandies, and other commodities, of the product and manufacture of France, imported into England, amount to upwards of three hundred and twenty thousand pounds, besides an incredible value of toys, rich apparel, point-lace, &c. So that it is apparent that the exports of our native commodities and manufactures to France, are less in value by at least one million of pounds sterling, than the native commodities and manufactures of France, which we receive from thence: And if it please your lordships to reflect thereupon, your lordships will easily discern the great prejudice the English nation hath sustained, and the great advantage the French have, and do daily make, by holding this treaty in suspence; this nation being upon the matter excluded trade thither, while in the mean time the French enjoy all, and as great advantages as they can reasonably expect by any treaty.

PATIENCE WARD, THOMAS PAPILLON, JAMES HOUBLON, WILLIAM BELLAMY, MICHAEL GODFREY, GEORGE TORRIANO, JOHN HOUBLON, JOHN HOUGHE, JOHN MERVIN, PETER PARAVICINE, JOHN DUBOIS, BENJ. GODFREY, EDM. HARRISON, BENJ. DELAUNE.

A Letter to Monsieur Van. B—— de M—— at Amsterdam, written Anno 1676.

This tract pretends to explain to the Dutch the reliance which they ought to place on the friendly disposition of the people of England in opposition to the crown. They are taught, in 1676, to look forward to the assembly of a new parliament as the epoch when Charles would find himself compelled to give way to the universal voice of his subjects, and support Holland against the encroachments of France. But of this Louis XIV. was as well aware as the letter writer, and was at this very period prodigal both of money and intrigue, to prevail upon Charles to delay summoning his parliament. The king meanwhile, with inimitable double-dealing, was receiving money from France, Spain, and Holland, without troubling himself to support the rights or interests of any of the three.

Dear Sir,

THE great conclusion Solomon made from all those wise reflections of his, upon things under the sun, is; Fear God and keep his commandments, for this is the whole of man, his whole business and his whole excellency; and therefore you and I shall always agree, that our first and great duty is the love and service of our great Lord: And the second is like unto it, the love and service of our country; but as the circumstances of our times are, these things can hardly be separated or distinguished, but are included one in the other, so that he which serves his country must needs at the same time serve God.

Now the present mischiefs that are upon our country do not (as to their second causes) arise meerly out of the common spring of boundless and restless ambition, but an implacable malice to the protestant interest hath had a principal hand in the effects Europe is now groaning under; and indeed the danger is common to us both, and doth not less threaten England than Holland, though more remotely. For the French king, in growing to so great a naval strength, may be reasonably apprehended to have his eye upon England, when he shall have subjugated the Spanish Netherlands, which it may be he meant when he said upon some occasion, that hereafter he would bring his men to a place where there were neither gates nor bars; success makes men bold as well against God as their enemies, and the spirits of the greatest and wisest men are not always so guarded, but that in their gayeties their future intentions drop out of their mouths, and wicked men do not only express their natures in their wicked sayings, by which men may take warning of them, but they live after their deaths in those sayings.

But I will at this time discourse to you a little more particularly.

There are but two very strong kingdoms in Europe, France and England, and the reason of their strength is, that they are great in territories, and of one piece and compacted, in respect of which Europe may be considered in three parts, France, England, and the princes and states confederated against France, which being a strength made up of many pieces and different interests, will always be found too weak to be opposed against the uniform force of one great kingdom, for which reason the league will come naturally to dissolve itself, and fall in pieces, unless England cast the ballance, whose interest it is so to do, and that roundly; for neutrality in this case is both foolish and dangerous,

as being against all reason of state; and in such case, he that obligeth none disobligeth all; and the conqueror will be sure to pursue his revenge against the rival prince.

I know there are three characters in history ascribed to the French; the first was given to the Gauls their predecessors by Julius Cæsar, that in the beginning of a fight they were more than men, and afterward less than women; and however it be true the present French inherit the same genius, yet by discipline, which hath a wonderful force in all things, we see they have brought even their infantry for the most part to fight well; so that by their actions they have justly acquired the reputation of a very warlike nation.

The second character is, that they are a people, light, inconstant and faithless. 3. That they are of an aspiring genius, which is so much the more dangerous to Europe, as the object they have fixed upon is great, and that is no less than to erect an universal monarchy in Europe, a thing that can never be brought to pass; yet for all the observation we make of other men, we daily commit the same errors. To this we may add, that the course of the present French king is full of rapid violence and high ambition, and ambition will make men wade through a world of blood in the pursuit of vain ends; yet this I must say, that if two or three such kings should immediately succeed one another in France, they would in reason swallow Europe, if at the same time one weak and insufficient prince should succeed another in England; but the ballance of the world is kept up, not only by strong nations joyning with the weaker against stronger than they, but by an interchangeable distribution in succession of strong and weak princes in the same kingdom, through the promiscuous dispensation of Divine Providence, which is irresistable, for he must leave all his work to the man that shall be after him, and who knows whether he shall be a wise man or a fool? what a wise man gets a fool looses

Now on the other side, our countrymen, who are of a middle genius between the French and your countrymen, are as warlike as any, but grave, plain, and honest. I know that our countrymen will be always ready to say, that England is now as strong as ever it was, and that we have always been an overmatch to France: we have made two conquests of France, one in the time of Edward the 3d., and another in the time of H. the 5th.; but I answer, the strength of a kingdom is either proper or comparative; proper, respecting their selves, or comparative, respecting their neighbours. Now if it should be granted, (which is not true) that England is now as strong as in former times, yet if France (which is true) be three times as strong as they were formerly, then England must needs be three times weaker comparatively; England being so far from holding proportion to France in its growth, that it is much weaker now than it was 20 years ago. And this among other things may shew you the weakness of our councils, in sitting still while the French make themselves masters of the Spanish Netherlands; and then as to its proper strength we must come to distinguish, for he that does not distinguish well can never judge well. I say then the people are strong, but the government is weak, from whence this consequence may be drawn, that a people may be weak under one form of administration, and strong under another; to prove which, there will need no other instance than the regiment of these three last kings, and that of the parliament interposed in the middle of them; but this will more clearly appear to you when we come to discourse of the government itself.

There is no kingdom in story that I remember, in and about which so much blood hath been shed as England, except Sicily; and the manner of the English hath always been to fight in small armies, without regarding the number of their enemies, who were sometimes (as in the first conquest of France abovenamed) above six to one; and yet the English have not oftener been brought to contend against foreign force, than they have carried away the victory, if not in every battle, yet in the issue of the war. Therefore, when Matchiavel labours to overthrow the common doctrine in the politicks, that

money is the sinews of war, which he says is not true; I think it is true as to England, as well as in the Roman commonwealth; but in Holland, where you have a small territory, and your foundation is trade, money, and industry, which produceth no martial genius in the natives, nor permits leasure, and where your armies consist of mercenaries, which will ever be found much weaker than the native militia, there money may be the sinews of war.

The union of England and Scotland is a mighty accession of strength to England, for besides that Scotland was always a dangerous back-door to England, that mischief is not only removed, but such a member added, as by reason of vicinity naturally compounds one entire body of a great kingdom; and this strength would better have appeared, if it had at any time since the union, fallen under a prince of a martial genius, as in time to come it will fall under a vigorous administration.

But to make what I said to you above more clear, that the government of England is weak, I will a little discourse of the nature of it.

England then is a government compounded and mixt of the three principal kinds of government; a king who is a sovereign, qualified and limited prince; and the three estates, who are the lords spiritual and temporal, compounding the aristocratical part of the government; and the commons in parliament, with an absolute delegated power, making the democratical part: the legislative authority is in the king and the three estates, the power of levying money in the commons, and the executive power in the king, but to be administered by ministers sworn and qualified, which is the reason of those two grand maxims in the law of England; first, that the King of England is always a minor; and secondly, that he can do no wrong.

Now the foundation this government was first built and stood upon, was the ballance of lands, and England being a kingdom of territory not of trade, it always was, and ever will be true, that the ballance of lands is the ballance of government; and this maxim of the ballance is to the politicks what the compass is to navigators, the circulation of blood to physicians, guns to an army, and printing to learning.

The proportion this ballance held in the government was formerly, in the king, church, and nobility, above two thirds, and in the whole people not one third: So that if we divide the times of this government into two general parts, as it naturally divides itself, from the Norman conquest to the time of Henry the 7th., and from Henry the 7th. to the present time; then I say, in the first part of it, the strength of the government lay in the middle, or aristocratical part as it ought to do; for a king must be supported either by a nobility or an army, and by this means the two extremes, which are the king and people, (of which extremes a government can never be compounded to live long) were secured by the middle, for the nobility not only supported the throne, but shadowed the people from the tyranny of the princes.

And to give you a clear evidence of the truth of this, both that the strength of the government was in the aristocratical part, and that they kept the ballance between the king and the people, I need only observe that all the civil wars that we ever had in England in those times, were ever made against the princes by the nobility, for their encroachments upon the people; and they always prevailed against them.

But Henry the 7th., who was a dark and suspicious prince, and an entertainer of fortune by the day, rather than of any great fore-sight, (as my Lord Bacon observes of him) observing upon his coming to the crown, how great an over-ballance the nobility had been to the prince, made way, by laws and other means, for the nobility to make alienations of their lands; and so in seeking to cure one mischief he procured a far greater, which though it did not shew itself presently, yet in short time after it began to shake the foundations of the throne.

And from this time, the lands began to come into the hands of the people, and the times that followed served well to increase this beginning; for Henry the 8th. dis-

solved abbies and monasteries; all those lands, which were very great, came by degrees into the hands of the people, so that the greatest part of the lands of the antient nobility, and great part of the lands of the church, were in the hands of the people, who now held above two thirds of the whole lands of England.

And therefore this consequence will be clear, that the strength of the government is now in the democratical part; and to confirm this to you by example: There hath been one civil war in England since Henry the 7th.; who made that war? The barons? No; the people made it; then it is clear not only that the people are the strongest part, but that they are able to make war with the king, nobility, and church; also if there should be another civil war in England, it would not only be by the people, but whosoever be the beginners of it, the people will prevail, as far as human reason can foresee.

But now, lest you should think the compliance of this parliament with the king a contradiction to what hath been said, I will discourse it to you before we go farther touching them.

This parliament was chosen in the year 1661, and came in with a change of government; now in all changes of government there is a violent concussion of the whole body, and the people always pass from one extream to another, without being able to stay in the middle: England therefore was then in a sick distempered condition, now it hath recovered its just temper, and is restored to health, (as strong bodies will work out the poyson they take by degrees.)

Now this parliament represented the humors and distempers of the time wherein they were chosen, and consequently their actions were violent, and they did many things afterward to be repented of; and no doubt had they done what they have done, to a designing and parsimonious prince, he might have taken the advantage of their hearts to have undone England; for what with that great revenue, and all those most mighty aids they have given him, he might have made so great a bank, and annexed so great a revenue of lands to the crown, that he might have maintained an army, overballanced the nobility, and have reigned without parliaments, and so have brought England into the same condition with France; but these times are over, and not like to return. I am without all doubt, therefore, that the profuseness and inadvertency of the king hath saved England from falling into destruction under this parliament.

And as this parliament represented the sickly times in which they were chosen, when the people of England were in a kind of delirium or dotage; so a new parliament would represent a people restored to their wits, cured of the evil, and steadily pursuing the great interest of the commonwealth.

Wherefore our court has got a new maxim, never heard of in the world before, and which is their grand arcanum of state, and that is, that the king and this parliament must never part; for if they do, the government is dissolved: A maxim they will keep to, and was first beaten into their heads by Clarendon and Monk; but the true reason of that maxim is, because they never dare call a parliament to represent the present state of England, having enough to do with the present, who, were it not for the daily fomentations of court expedients, would even themselves revert back to the English interest.

In former times we had two grand maxims in our government; one was, that we should always keep the ballance of Christendom equal and steddy, England only having the natural advantage to do that, and this grew up with us from the Norman conquest, for above six hundred years since; the other was, that we should always make ourselves the head and protection of the protestant interest, a maxim that we took from the reformation, and which we shewed the world in Queen Elizabeth's time; how we have kept to these two maxims of entring into a league, to subvert and destroy the

protestant religion, and to break the bonds, and remove the land marks of states and kingdoms, will sufficiently declare to you.

And now we have a maxim, which I am sure cannot last longer than the king lives; for the death of the king is the death of the parliament. One thing you may observe by the way, that vigorous times bring forth strong maxims; but the principal use we are to make is this; if according to our maxim, that the king and this parliament must never part, and they must die together, then this government seems to be calculated only for the king's life, as the government of the protector Cromwel was for his, and must a little time after suffer a dissolution.

And indeed, in such a mixt government as our's is, where one of the extreams comes so far to over-ballance the other, I cannot see but the government must die, as it is in natural bodies, when one humour is over all the rest in too great disproportion.

In every sound and healthful government, there is a steadiness of proceeding by good means to good ends, which is called conduct; but in a sickly state, as many emergencies arise, so new medicines and expedients must be applyed, and such a government may be called a government of expedients, and such a one is our's; and the great art and cunning in this session of parliament, to bring it to such an issue as is expected, is but an expedient, and expedients never hold, they only serve a turn; cunning and tricks in statesmen, argue them to be mountebanks in the politicks, and weak governments must always have a care of evil accidents and occasions, when there are causes of their dissolution.

The ravishment of Lucretia was not the cause of the introducing a commonwealth in Rome, it was only the occasion; if any notable occasion fall out in England, as the death of the king, insurrection, or arming of papists, invasion by the French, or such like, that shall give the people opportunity to arm, the government is gone.

Now if you should ask what are the causes of this weakness of the government of England, I answer principally two. 1. The change of the ballance, as I have shewed you before. 2. A succession of three weak princes together. Where two sufficient princes succeed together, they do great things, but where two or three weak princes succeed one another, the government can hardly stand; and indeed if a weak prince immediately succeed a wise, he may do well enough, for the virtue of the wise prince's government runs through the veins of that of the foolish; and so it comes to pass, that it is a great while before the defects of his government come to discover themselves; and I say, that we never before (for above six hundred years) had a succession of three, either sufficient or weak princes together; and therefore I make no doubt to affirm, that if the government of the parliament had not been interposed in the middle, (as I said before) the government must have sunk ere now; for save what they did, we have not taken one true step, nor struck one true stroke since Queen Elizabeth.

It is a great truth, no doubt, that foolish princes ever had, and ever will have foolish councellors; for Matchiavel concluded well, when he said, That the wisdom of the prince never takes beginning from the wisdom of his council, but the wisdom of the council always from the wisdom of the prince.

But if you should ask me now whether the King of England will effectually assist you, since the parliament hath not only addressed him so to do, but has promised him sufficient supplys for the doing thereof, I answer, no; the reasons whereof are not to be rendered by way of ratiocination, there being little of reason in any thing we either do or say.

1. The king will not; the will is the mistress of the love, and a man is either good or bad, as his will is; there is an antipathy between the genius of our court, and the genius of Holland. 2. We are wholly addicted to the French humour and interest, we cannot forbear expressing our joys upon any victory of theirs. 3. The Duke of

York, who does, and every day will weigh more and more, and is in the way of all those good intentions the king might otherwise have, is a papist, and so far from affecting you, that he hath little esteem for his own countrymen, in his nature affecting none but French and Irish, with whom he seems to have a sympathy of genius, and how strangely strong wills and misplaced affections may transport men of weak judgments, is easie for you to apprehend. 4. Our ministers of state are against you.

Now to end this long letter, what conclusion shall we draw from all these premises? I doubt not but your prudence will instruct you to make a far better than any I can offer; however I will say something, if it be but to occasion you to think, the parliament and people of England have a mighty affection to your state. These are the shapes of our court and our people, in the best manner I can present them to you, and if I mistake not, your state can never in time to come be better secured against shaking, than by the friendship of England. The parliament would send over an army sufficient to engage the French, and pay them too, as I have ground to think.

Wherefore, in my poor opinion, the natural result might be, that the States should by an effectual declaration remonstrate to the world the growing greatness of France, and all the mischievous consequences it draws after it, and to call upon England as the head of all protestant states for their assistance, to which the late address, and the measures the court shall take thereupon, will naturally tend, only the time of such declaration cannot well be determined; and for this the States have a precedent yet fresh in memory, when they publickly offered to the state their differences with the court of England, which gave the parliament occasion to recognize the matter, and what an admirable and speedy effect that produced, cannot yet be forgotten.

Delenda Carthago, or the true Interest of England, in Relation to France and Holland. By the Earl of Shaftsbury.

This renowned oration was pronounced by the celebrated Anthony Ashley Cooper, Earl of Shaftesbury, 4th February, 1672-3, to animate the nation against the Dutch; and considering his future political conduct, it is a step which his enemies have dwelt upon with malignant emphasis, and which his friends have found it difficult to vindicate. Even Rapin admits that Shaftesbury must have had a forehead of brass to pronounce such a speech before so august an assembly. And the best apology offered for him by his defenders is, that, being chancellor, he was the mouth and organ of the council-board, and was obliged to deliver their sentiments, however little they might accord with his own. Whether he ought to have retained his office under such circumstances, is a different question, which it is not difficult for integrity to answer. It is remarkable that the whole of his busy life, after he left the cabal administration, was employed in combating the doctrines which he here supports; and that he drew his last breath under the protection of that very country to which he here applies the phrase, *Delenda est Carthago.*

As the happiness of our situation secures us from the invasion of any who are not our masters at sea; the same reason makes it altogetheragainst the interest of England to seek to enlarge her dominions by conquest upon the continent: For the

charge of transporting, besides the accidents of the sea, is such odds as she can never wage an equal war.

The truth of this will appear to any who shall read the wars of England in France, the vast expence of blood and treasure, the many hindrances and disappointments in sending our reliefs by sea; and, after the most prosperous successes, the little effect, and final loss of all.

Which indeed proved our greatest benefit, by sending us to live at home. And I think it very plain, that the loss of Calais, and ridding our hands of all the seeds of war, the garrisons we had in France, was exceedingly for the advantage of England. We called them bridles upon France, but they proved sponges to us, and drained more money from us, (and sometimes men) than, if employed upon the fleet, would have enabled us to bridle France and the seas, and to have extended the privilege of the flag to both worlds.

The fleet are the walls of England. To command at sea, not to make conquests by land, is the true interest of England.

And the same reason makes it the interest of France not to meddle with us. He can extend his conquests with fifty times less expence and hazard upon the continent. Nor does he desire more of England, than not to hurt him.

Accordingly we find that France has always endeavoured to live well with England; and indeed they have courted us, and always shewed a more particular kindness to the English gentry, than to any other nations who travelled thither for their education.

And when we were lately obliged to declare war against them, (for we began with them) yet it was not for any injury they had done to us, nor had we one to instance.

And by the issue of all the wars that England ever yet had against France, it plainly appears to be the interest of England to have no war with France; at least never to carry our arms into France.

For suppose the best, the utmost you can propose, even to conquer France, as we did once before: How shall we keep it? What armies of English must we always have there to prevent their rebelling? Would transplanting of all England serve the turn? Sure such a conquest would drain and ruin England, as the Indies have Spain.

But suppose we had it, and could keep it: Our king would make his residence in France, and England would become a province like Flanders, when their earls came to be kings of Spain; or as Scotland is now to England; which was wisely foreseen by Henry VII, when he, for that very reason, married his eldest daughter to Scotland, and his younger to France; thinking it much more the advantage of England to have the accession to Scotland than of France; the greater always swallowing up the less, as rivers are lost in the sea.

What then is the interest of England as to France? Surely, to grow great at sea, and command the trade, which is our greatness; but by all means to let alone their continent, where a conquest would prove our own destruction.

Let us now look how our interest stands as to Holland.

It is interest that governs kingdoms. Nations do not fall in love with one another, as particular persons do for their beauty. The public still moves by interest, and that will never lie.

The interest and life of Holland, all the world knows, is trade. It is advantageous to others; but it is necessary to them. Their continent cannot make them live; therefore whoever rivals their trade must be irreconcileable to them; nor can they ever be true and hearty to such.

England has been their only mighty rival for the trade of the world: whence that wise chancellor of England, the Earl of Shaftsbury, in his speech to the parliament, Feb. 5. 1672, lays it down as a maxim never to be forgot in England: "Let this be

remembred, (saith he) the States of Holland are England's eternal enemy, both by interest and inclination." And he gives the reason, because we are "their only competitors for trade and power at sea, and who only stand in their way to an universal empire, as great as Rome."

Then he shews how true they have been to their interests, in working all the mischief they could to England, not only by violent, but false and treacherous ways: And he instances in their breach of treaties, both in the Surinam and East-India business; and their height of insolence to deny us the honour and right of the flag; and that, though it had been owned by them in the treaty of Breda, yet they disputed the king's title to it in all the courts of Christendom, and made great offers to the French king, if he would stand by them against us.

Lastly, He compares them to Carthage, and us to Rome; that is, that it was impossible both should stand upon a ballance, that if we do not master their trade, they will ours. They or we must truckle. One must and will give the law to the other. There is no compounding where the contest is for the trade of the whole world.

No treaties, no alliances will, or ever did bind them to us, longer than until they could make an advantage by us. After a firm treaty in 1619, ensued the murder of the English at Amboyna in November 1624, and other depredations in the East-Indies. You may see a whole history of their breach of treaties, and most barbarous and perfidious cruelties upon the English, by Dr Stubb, printed in 1673. "Since King James I. (says he) reigned in Great-Britain, they have neither kept any league in reference to trade and commerce: That rich trade we had into the East-Indies, at Japan, Amboyna, Banda, and the Moluccoes is totally ruined: Our islands of Poleran, Palaway, Lantere, unjustly seized into their hands, and the damages we suffered there are computed, in 1653, at one million, six hundred fifty-six thousand, two hundred thirty-three pounds, fifteen shillings, and we are now totally excluded those seas by these Hollanders.—Their usurpations there have been accompanied with barbarities and outrages.—Besides the cruelties of Amboyna, they exercised innumerable others, as appears by the depositions from 1616 to 1620. Printed at London, A. D. 1622.

"The English ships being taken, and their goods confiscated, the captains, soldiers, factors and mariners were maue prisoners, clogged with irons, kept in stocks, bound hand and foot, tied to stakes, haling and pulling them with ropes about their necks, spurning them like dogs, throwing them headlong down rocks and clifts, murthering some, and starving others to death: Some were landed among the Indians, where they found better usage among the Paynims than the protestants of Holland: Some were so lodged, that they were forced to tumble in their own excrements, not being permitted to go forth to ease themselves. Lawrence Ryall, the Dutch general, caused grates and cages to be made, and carried the English therein fettered, and shewed them triumphantly to the Indians at every port, saying, Behold and see, here is the people of that nation, whose king you care so much for; now you may see how kindly we use his subjects. They have robbed the Indians under English colours, thereby to incense them against us, and to destroy our trade there. They have counterfeited the coin of other nations, and then defamed the English for it. The traffick of China and Persia, &c. was ruined by their seizing and destroying the ships of Sir William Courteen and his partners We did, by our ambassador St John, demand satisfaction for all these damages, and charged them with the blood of the English that had been slaughtered by them in the Katherine and Dragon, in these words: [a] Though we cannot positively prove, yet, by good circumstances, we can make it appear, that you did destroy the ships Dragon and Katherine; though the ships and men were never heard of, yet the

[a] M. S. Speech of Mr St John. See also the printed account of John Davell, A. D. 1665.—*Orig. Note.*

guns and goods of those ships have been found in your country, which does give us some confidence to believe you did destroy the men and ships.

"And we are informed, [1] that some of your own countrymen, when they lay on their death-beds, did make confession of the cruel murthers and seizures: How that they met them going to the Cape of Good Hope, and after a friendly salutation, the Dutch invited the English commanders aboard; and after they had been feasted, they told them, that it was fitting they should drink lustick as well as eat lustick, and causing them to be tied back to back, they were cast into the sea. And in the evening, when the English expected the return of their commanders and their crews, the Dutch, with their own and English boats, went aboard the English ships, and served every man in the same manner; and having taken out what goods and guns they thought fit, the ships were sunk by them; the which were worth, according to the invoice, had they come to the port of London, one hundred seventy thousand pounds. In Guinea and Brasil, we have been treated with the same usage: And the Dutch have been always either acting open hostilities, or, which is worse, destroying the honour and renown of our nation in Spain, Italy, Russia, and all places whither a Dutchman trades. Therefore, we were then convinced, that the true way to advance the English trade was to reduce the Hollanders to greater moderation."

Much more to the same purpose you will find in the abovesaid author, and in many others of the English nation.

But above all things, the most astonishing and downright diabolical, exceeding even the treacherous and bloody massacre of the English at Amboyna, being done in time of peace, and the chief actors thereof justified and preferred by the States, when complaint was made against them, and justice demanded: But it exceeds all this, and all that ever was heard of in any nation which bore the name of Christian; the wickedness of all nations is exceeded by what the Dutch did, and still continue to do at Japan.

They incensed the government there against the Christians who traded thither, representing them as people of dangerous principles as to government, and plotting of insurrections; whereby they procured the miserable slaughter, with horrible tortures and torments, of above four hundred thousand Christians in that kingdom, and denying themselves to be Christians, (wherein some think they told no lye) they, by that means, ingross the trade of that wealthy island to themselves.

And if they can dispense even with their Christianity, to promote their trade; what obligations can we put upon them that will make them false to their supreme god, interest?

But we need not go so far as the Indies to find instances of the designs of Holland to ruin England. There is a surprising passage in the London Gazette, 30th of April, 1666, which is *verbatim* as follows:

At the sessions in the Old Baily. "John Rathbone, an old army colonel, William Saunders, Henry Youcker, Thomas Flint, Thomas Evans, John Myls, William Wascot, and John Cole, formerly officers and soldiers in the late rebellion, were indicted for conspiring the death of his majesty, and the overthrow of the government; having laid their plot and contrivance for the surprisal of the Tower, the killing of his Grace the Lord General, Sir John Robinson, Lieutenant of his Majesty's Tower of London, and Sir Richard Brown, and then to have declared for an equal division of lands, &c. The better to effect this hellish design, the city was to have been fired, and the portcullis to have been let down, to keep out all the assistance; the horse-guards to have been surprised in the inns where they were quartered, several others having been gained for that purpose. The Tower was accordingly viewed, and its surprise ordered by boats over the moat, and from thence to scale the wall; one Alexander, who is not yet taken,

[1] The Remonstrance of G. Carew, Esq. Printed 1662.—*Orig. Note.*

had likewise distributed sums of money to these conspirators; and for the carrying on of the design more effectually, they were told of a council of the great ones that sat frequently in London, from whom issued all orders; which council received their directions from another in Holland, who sat with the States; and that the third of September was pitched on for the attempt, as being found by Lilly's Almanack, and a scheme erected for that purpose, to be a lucky day, a planet then ruling which prognosticated the downfal of monarchy. The evidence against these persons was very full and clear, and they accordingly found guilty of high treason." These are the words of that gazette; and let me only mind the reader, that the city was fired the very day which was there mentioned; that is, the fire began about twelve at night, the second of September, 66, or early on the third, which was the first day of the fire.

This makes it a demonstration, that the Dutch plot, mentioned in that gazette, could be no contrivance of the government, in odium to the Dutch; if that could be so much as suggested, or so base an imputation laid, not only upon the court, but the city itself, which, in her sessions, should take away the lives of men for any such sham-plot; I say nothing of this can be possible, unless you will suppose, that the government and the city both designed the burning of the city of that day, and if so, they would not have told it: or otherwise, that they had the spirit of prophecy, to foretel the burning of the city five months before it came to pass. [1]

But these conspirators had laid their design, and would not slip that lucky day, the third of September, on which Oliver conquered first Scotland, at the battle of Dunbar, and after the loyal party in England at Worcester fight; both which happened to be upon the third of September, which Oliver reckoned to be his lucky day; and it held so to him to the end; for on that day he brought the greatest blessing to England that ever subject did: On that day only, he verified what he had so often promised, to relieve England from tyranny and arbitrary power, and to open the way to a glorious reformation; all this he performed, for on that day, on his own lucky day, he died, or, as his enthusiast banditti boasted, was carried like Elijah into Heaven in a whirlwind; whither that carried him, or whence it was sent, we will not examine; only we may take notice, that he who raised rebellion to cure superstition, observed his lucky days; and the conspirators of whom we are speaking, were some of his godly army. These gained with the Dutch reformers, not only observe days, but cast schemes and go to fortune-tellers, any thing —— go to the devil himself, for the good old cause! The end sanctifies the means.

How far the devil's chain may reach, I cannot tell. But if there be such a thing as spells, to cause men love or hate, most certainly the Dutch have made us drunk with it: Not only to love and doat upon them, who, at this very day, use all our men like dogs who go over thither to fight for their country, (which they will not do themselves) and clip our money publickly, which when they have done, they pay to the English only (for no other nation will take it from them) by the coin, and will receive it from them only by the weight; which is proclaiming us for fools to our faces: And as such, they have begged us. To fall in love with these Dutch, who use us ten times worse, when we fight for them, and take less care of our sick and wounded, than the French against whom we fight! And yet to hate and abhor the French the more they court us! As if it were the nature, as it is the character somewhere given of an Englishman, to be won by injuries, and provoked by civilities, comparing them to their own country mastiffs.

[1] In this notable speech, the Chancellor Shaftesbury adopts the Tory creed, which threw upon the Dutch and fanatics the odium of having raised the fire of London. But when ex-chancellor, he found it more convenient to press the popular belief, which cast the same blame on the Duke of York and the catholics.

What is it else can make us have such an unaccountable hatred to the French, for which we can give no reason, they having never done us any hurt, but when we began, and forced them to it, as at present? And yet, to doat as unaccountably upon the Dutch, who never yet did us any good, or neglected doing us all the mischief they could when it was in their power?

If the like evidence could be produced against the French for the burning of London, as what is here brought against the Dutch?——

But whether it were French or Dutch, London is now filled with them both, and there have been more fires of late in London than usually has been known. There were no less than five fires in it upon Sunday, 18 Feb. 94. And if there be false play, it must be English, French, or Dutch. But the Dutch will never do us hurt, as surely as they never did; we must not suspect them: There is some witchcraft in this!

Is it for their religion that we love the Dutch? I wish religion, of any sort, had so much power in England! But can they be true to religion, who are content, as in Japan, to renounce their christianity to promote their trade! Or, which is near the same, to license all religions, for the same reason, as in Holland! To give mammon the upper hand of God!

It is their mammon, their interest (and they have ever been true to it) to ruin England.

It is neither the interest of England or France to invade or conquer one another; and they are not the aggressors.

Yet we are irreconcileable to France, and unalterable from Holland! As men blind to their interest, and bent upon their ruin! Like the Jews against the Romans, obstinate, though unequal to the war! It proved their destruction; and, if we will not open our eyes, it must, without a miracle, be ours too.

We are trying the experiment how many losses will ruin us. And extol the superabundance of our riches, but not of our wisdom, in bearing up against a continued series of ill success, without any other rational prospect, but of its growing worse and worse, till there be no remedy.

I think I have been a true reasoner: I wish, in this, I may be a false prophet.

Loup Skellum.

Two Speeches made in the House of Peers. The one November 20, 1675; *the other in November*, 1678. *By the Earl of Shaftsbury. The Earl of Shaftsbury's Speech to the House of Lords, upon the Debate of appointing a Day for hearing Dr Shirley's Cause,* 20 *November*, 1675.

In this speech the Earl of Shaftesbury, now in opposition to the court, presses upon the House of Lords the importance of continued and earnest attention to the appeal cases in dependance before them. This wholesome doctrine he urges with all his natural acuteness, and that regard for justice which obliged Dryden to qualify the bitter character of Achitophel with the following allusion to the purity of Shaftesbury's conduct when Chancellor:

" In Israel's court ne'er sat an Abethdin,
With more discerning eyes or hands more clean;
Unbribed, unsought, the wretched to redress,
Swift of dispatch and easy of access."

My Lords,

Our all is at stake, therefore you must give me leave to speak freely before we part with it: My Lord Bishop of Salisbury is of opinion, that we should rather appoint a day to consider what to do upon the petition, than to appoint a day of hearing; and, my lord keeper [1] (for I may name them at a committee of the whole house) tells us, in very eloquent and studied language, that he will propose us a way far less liable to exception, and much less offensive and injurious to our own privilege, than that of appointing a day of hearing; and I beseech your lordships, did you not, after all these fine words, expect some admirable proposal? But it ended in this, that your lordships should appoint a day (nay, a very long day) to consider what you would do in it. And my lord hath undertaken to convince you, that this is your only course by several undeniable reasons; the first of which is, that it is against our judicature to hear this cause, (which is not proper before us) nor ought to be relieved by us.

To this, my lords, give me leave to answer, that I did not expect from a man professing the law, that after an answer by order of the court was put in, and a day hath been appointed for hearing, (which by some accident was set aside) and the plaintiff moving for a second day to be assigned, that ever, without hearing the counsel on both sides, the court did enter into the merits of the cause; and if your lordships should do it here, in a cause attended with the circumstances this is, it would not only be an apparent injustice, but a plain subterfuge to accord a point you durst not maintain. But my lord's second reason speaks the matter more clearly, for that is, because it is a doubtful case, whether the commons have not privilege? And therefore my lord would have you to appoint a further day to consider of it, which in plain English is, that your lordships should confess upon your books, that you conceive it, upon second thoughts, a doubtful case, for so your appointing a second day will do; and that for no other reason, but because my lord keeper thinks it so, I hope will not be a reason to prevail with your lordships, since we cannot yet by experience tell, that his lordship is capable of thinking your lordships in the right in any matter against the judgment of the House of Commons; it is too hard a thing for the ablest of men to change ill habits: But, my lords, the reason is the most admirable of all, which he stiles unanswerable, viz. That your lordships are all convinced in your own consciences that this, if prosecuted, will cause a breach: I beseech your lordships consider whither this argument thus applied would not overthrow the law of nature, and all the laws of right and property in the world; for it is an argument, and a very good one, that you should not stand or insist upon claims, where you have not a clear right, or where the question is not of consequence, and of moment in a matter that may produce a dangerous and pernicious breach between relations, persons or bodies politick joined in interest in

[1] The interruption to the discussion of Dr Shirley's case, was his adversary Sir John Fagg being a member of the House of Commons, who contended that the prosecution of appeals in the House of Lords against any of their members was a breach of privilege. The proceedings of the House of Commons upon this occasion may be consulted in the State Trials, Vol. VII. page 454. The House of Lords, upon hearing Shaftesbury's speech, agreed to proceed in Dr Shirley's cause. The Commons in resentment issued a warrant for taking Dr Shirley into custody, which warrant was forcibly taken from the serjeant's deputy by Lord Mohun. The House of Commons demanded justice for this outrage, as they termed it, from the Lords, who were so far from granting it, that they vindicated and commended Lord Mohun. In short, the animosity between the houses grew so high, that the king, to end it, prorogued the parliament, 9th June, 1675.

high concerns together. So, on the other hand, if the obstinacy of the party in the wrong shall be made an unanswerable argument, for the other party to recede and give up his just rights; how long shall the people keep their liberties, or the princes the governors of the world their prerogative? How long the husband maintain his dominion, or any man his property, from his friends or neighbours obstinacy? But, my lords, when I hear my lord keeper open so eloquently the fatal consequences of a breach, I cannot forbear to fall into some admiration how it comes to pass, that if the consequences be so fatal, the king's ministers in the House of Commons, (of which there are several that are of the cabinet, and have daily resort to his majesty) and have the direction and trust of his affairs; I say, that none of those should press the consequences there, or give the least stop to the career of that house in this business, but all the votes concerning this affair, nay, even that vote that no appeals from any court of equity is cognizable by the House of Lords, should pass *nemine contradicente;* and yet all the great ministers with us here, the bishops and other lords of greatest dependance upon the court, contend this point, as if it was *pro aris et focis.* I hear his majesty in Scotland hath been pleased to declare against appeals in parliament, and I cannot much blame the court, if they think (the lord keeper and the judges being of his majesty's making, and of his power to change) that the justice of the nation is safe enough; and I, my lords, may think so too, (during this king's time) though I hear Scotland (not without reason) complain already; yet how future princes may use this power, and how judges may be made, not men of ability and integrity, but men of relation and dependance, and who will do what they are commanded, and all men's causes come to be judged, and estates disposed of as great men of the court please. My lords, the constitution of our government hath provided better for us, and I can never believe so wise a body as the House of Commons will prove that foolish woman, which pulls down her house with her own hands.

My lords, I must presume, in the next place, to say something to what was offered by my Lord Bishop of Salisbury,[1] a man of great learning and ability, and always versed in a closer and stronger way of reasoning, than the business of that noble lord I answered before did accustom him to, and the reverend prelate hath stated the matter very fair on two heads.

The first is, whether hearing of causes and appeals, and especially in this point where the members have privilege, be so material to us, that it ought not to give way to the reason of state, and greater affairs that press us at this time.

The second was, if this business be of that moment, yet whether the appointing a day to consider of this petition would prove of that consequence and prejudice to our cause. My lords, to this give me leave in the first place to say, that your matter is no less than your whole judicature, and your judicature is the life and soul of your dignity and peer right of England; you will quickly grow burdensome, if you grow useless: you have now the greatest and most useful ends of parliament principally in you, which is not to make new laws, but to redress grievances, and to maintain the old land-mark. The House of Commons business is to complain, your Lordships to redress, not only them that are the eyes of the nation, but all other particular persons that address to you. A land may groan under a multitude of laws, (and I believe ours doth) and when laws grow so multiplied, they prove oftener snares than directions and security of the people; I look upon it as ignorance and weakness of the latter age, (if not worse, the effect of the design of ill men) that it is grown a general opinion, that where there is not particular direction in some acts of parliament, the law is defective, as if the common law had not provided much better, shorter, and plainer, for the peace and quiet of the nation, than intricate, long, and perplexed statutes do, which hath made work for the lawyers, given

[1] Alexander Hyde.

power to the judges, lessened your lordships' power, and in a measure unhinged the security of the people. My lord bishop tells you, that your whole judicature is not in question, but only the privilege of the House of Commons, of their members not appearing at your bar: My lords, were it no more, yet for justice and the people's sake you ought not to part with it; how far a privilege of the House of Commons, their servants and those they own doth extend, Westminster-Hall may with grief tell your lordships, and the same privilege of their members being not sued, must be allowed to your lordships as well; and what a salver of justice you would prove, whilst they are lords for life and you for inheritance, let the world judge; for my part, I am willing to come to a conference whenever the dispute shall begin again, and dare undertake to your lordships, that they have neither precedent, reason, nor any justifiable pretence to shew against us; and therefore, my lords, if you part with this your undoubted right meerly for asking, where will this stop? And my lords, we are sure it doth not stop here, for they have already (*nemine contradicente*) voted against your lordships' power of appeals from any court of equity, so that you may plainly see where this caution and reason of state means to stop, not one jot short of laying your judicature aside for the same reason of passing the king money, of not interrupting good laws (or what ever else) must of necessity avoid a breach upon what score soever, and your lordships plainly see the breach will be made upon your judicature, as upon those; so that when your lordships have appointed a day (a very long day) to consider whether Dr Shirley's case be not too hot to handle, and when you have done the same for Sir Nicholas Staughton, (whose petition I hear is coming in) your lordships must proceed to a vote to lay all private business aside for six weeks; for that phrase of private business hath obtained upon this last age, upon that which is your most publick duty and business, namely, the administration of justice; and I can tell your lordships besides, the reason that leads to it, that I have some intelligence of denying such a vote; for upon the second day of our sitting, at the rising of the Lords' House, there came a gentleman into the lobby, belonging to a very great person, and asked in great haste, are the lords up, have they passed the vote; and being asked what vote, he answered, of no private business for six weeks. My lords, if this be your business, see where you are, if we are to post from our judicature, for fear of offending the House of Commons, for six weeks; that they in the interim may pass the monies, and other acceptable bills, that his majesty thinks of importment. There are too many wise men of the House of Commons to be laid asleep, and to pass all those acceptable things; and when they have done, to let us be let loose upon them; will they not remember this next time there is want of money, or may they not rather be assured by those ministers that are among them, (and go on so unanimously with them) that the king is on their side in this controversy, and when the publick business is over, our time shall be too short to make a breach, or vindicate ourselves in the matter; and then I beg your lordships, where are you after you have assented? but the last session your right of the judicature so highly, even in this point, and after the House of Commons had gone so highly against you on the other hand, as to post up their declarations and remonstrances upon Westminster-Hall door, the very next session after you post down the very same causes, and not only those but all judicature whatsoever. I beseech your lordships, will not this prove a fatal precedent and confession against yourselves? It is a maxim, and a rational one, among the lawyers, that one precedent where the case has been contested, is worth a thousand where there hath been no contest. My lords, in saying this, I humbly suppose I have given a sufficient answer to my lord bishop's two questions, whether the appointing of a day to consider what you shall do with the petition, which is of that consequence to your rights, that it is a doubtful case, and infinitely stronger than if it were a new thing to you never heard of before; for it is that very same case, and the very same thing desired in that case that you formerly ordered, and so strangely affected; so that upon

time all the deliberations imaginable, you declare yourselves to become doubtful, and you put yourselves out of your own hands into that power you have no reason to believe on your side in this question. My lords, I have all the duty imaginable to his majesty, and should with all submission give way to any thing that he should think of importance to his affairs; but in this point, it is to alter the constitution of the government. If you are asked to lay this aside, and there is no reason of state can be an argument to your lordships to turn yourselves out of that interest, you having the constitution of the government. It is not only your concern that you maintain yourselves in it, but it is the concern of the poorest men in England, that you keep your station. It is your lordships' concern, and that so highly, that I will be bold to say, that the king can give none of requital or recompence for it. What are empty titles, what is present power or riches, or a great estate, wherein I have no fixed or firm property? It is the constitution of the government, and maintaining that secures your lordships and every man else in what he hath. The poorest lord, if the birth-right of peerage be maintained, hath a fair prospect before him for himself and his posterity. But the greatest title, with the greatest present power and riches, is a mean creature, and maintains this an absolute monarchy, no other ways than by servile and low flatteries upon uncertain terms. My lords, it is not only your interest, but the interest of the nation, that you maintain your rights. For let the House of Commons and gentry think what they please, there is no prince that ever governs without a nobility or army, if he will; if you will not have one, you must have another, for the monarchy cannot long support, or keep itself from tumbling into a democratical republick: Your lordships and the people have the same cause, and the same enemies. My lords, would you be in favour with your king, it is a very ill way to it, to put yourselves out of a future capacity to be considerable in his service. I do not find in story, or in modern experience, but that it is better, and a man is much regarded that is still in a capacity and opportunity to serve, than he that hath wholly deprived himself of all for his prince's service; and therefore declare, that I will serve my prince as a peer, but I will not destroy the peerage to serve him. My lords, I have heard of twenty foolish models and expedients to secure the justice of the nation, and yet to take this right from your lordships; as the king by his commission appointing commoners to hear appeals, or that the twelve judges should be the persons, or the persons should be appointed by act of parliament; which are all not only to take away your lordships' first rights; that ought not to be altered any more than any other part of his government, but are in themselves (when well weighed) ridiculous. I must deal freely with your lordships, these things could never have risen in men's minds, but that there hath been some kind of provocation that hath given the first rise to it. I pray, my lords, forgive me, if upon this occasion I put you in mind of committing diverse, and the scandal of it, those droves of ladies that attend all causes; it was come to that pass, that men even hired or borrowed of their friends handsome sisters or daughters to deliver their petitions. And yet for all this, I must say, that your judgments have been sacred, unless in one or two causes, and those are most to that bench from whence I apprehend most danger. There is one thing I had almost forgot, which is the conjuncture of time, the thing upon which our reason of state turns. And so, my lords, give me leave to say, if this be not a time of leisure for you to vindicate your privileges, you must never expect one; I could almost say, that the harmony, good agreement, and concord, that is to be prayed for at most other times, may be fatal to us now. We owe the peace of these two last years, and the disengagement from the French interest, to the house differing from the sense and opinion of Whitehall. So at this time, of all things in the world this nation hath most reason to apprehend dangerous is a general peace, which cannot now happen without very advantageous terms to the French, and disadvantageous to the house of Austria. We are the king's counsellors; and if so, have right to differ and

give contrary counsels to those that are nearest about him; I fear the words advance a general peace, I am sure I would advise against it, and hinder it at this time by all the ways imaginable. I heartily wish nothing from you may add weight and reputation to those councils that would assist the French. No money for ships, nor preparations you can make, personal assurance our prince can have, can secure us from the French, if they are at leisure: He is grown the most potent of us all at sea, he hath built twenty-four ships the last year, and hath thirty more in number than we, besides the advantage that all our ships are out of order, and his exquisitely provided for, that every ship hath its particular store-house. It is incredible the money that he hath bestowed in making harbours; he makes nature itself give way to the vastness of his expences. And after all this, shall a prince so wise, so intent in his affairs, be thought to make all this preparation to sail over land to fall upon the back of Hungaria, and to batter the walls of Camaurkie? or is it possible he should oversee his interest in seizing of Ireland, a thing so feizable to him? If he be master of the seas, as he certainly now is, and which, when attained, gives all the Mediterranean, East and West India trade, and renders him (both by situation and exact harbours perpetual) master of the seas without dispute. My lords, to conclude this point, I fear the court of England is verily mistaken in it; and I do not wish them the reputation of the concurrence of the kingdom, and this out of sincere loyalty to his majesty, and love to my nation.

My lords, I have one thing more to trouble you with, and peradventure it is a consideration of the greatest weight and concern, both to your lordships and the whole nation. I have often seen in this house that the arguments with strongest reasons, and most convincing to the lay-lords in general, have not had the same effect in the bishops' bench, but that they have unanimously gone against us in matters that many of us have thought essential and undoubted rights. And I consider that it is not possible that men of great learning, piety, and reason, as their lordships, should not have the same care of doing right, and the same conviction what is right upon clear reason offered, that other your lordships have. My lords, I must necessarily think we differ in principles, and then it is very easy to apprehend what is the clearest sense to men of my principle, may not at all persuade or affect the consciences of the best men of a different one. I put your lordships' case as it is now plainly before us; my principle is, that the king is king by the law, by the same law that the poor man enjoys his cottage; and so it becomes the concern of every man in England that hath his liberty to maintain, and to defend to the utmost the king in all his lawful rights and prerogatives. And my principle is, also, that the House of Lords, and the judicature and rights belonging to it, are an essential part of the government established by the same law, the king governing and administering justice by his House of Lords, and advising with both his houses of parliament in all important matters; is the government I own, am born under, am obliged to: If ever there should happen in future ages (which God forbid) a king governing by an army without a parliament; it is a government I own not, am not obliged to, nor was born under. According to this principle, every honest man that holds it must endeavour equally to preserve the frame of the government in all parts of it, and cannot satisfy his conscience to give up the Lords' House for the service of the crown, or to take away the just rights or privileges of the House of Commons to please the Lords.

But there is another principle got into the world, my lords, that hath not been long there, for Archbishop Laud was the first author that I remember of it; and I cannot find that the jesuits or any clergy have owned it, but some of the episcopal clergy of our British isles; it is with us, as it is new, so the most dangerous destructive doctrine to any government and law that ever was: It is the first of the canons published by the convocation, 1640; that monarchy is of divine right. This doctrine was then preached up and maintained by Sibthorp, Manwering, and others; and of late years,

by a book published by Dr Sanderson, Bishop of Lincoln, under the name of Archbishop Usher, and how much it spread among our dignified clergy, is very easily known. We all agree, that the king and his government is to be obeyed for conscience sake, and that the divine precepts require, not only here, but in all parts of the world, obedience to lawful governors: But this family are our kings, and this particular frame of government is our lawful constitution, and obligeth us as belonging only to the particular laws of our country. This Laudean doctrine was that root that produced the bill of test the last sessions, and some very perplexed oaths, that are of the same nature with that, and yet imposed by several acts of this parliament. In a word, if this doctrine be true, our Magna Charta is of no force; our laws are but rules among ourselves during the king's pleasure. Monarchy of divine right cannot be bounded nor limited by human laws; nay, what is more, cannot found itself; and all our claim of right by the law, or the constitution of the government, all the jurisdiction and privileges of this house, all the rights and privileges of the House of Commons, all the properties and liberties of the people, are to give away not only the interest, but the will and pleasure of the crown. And that the best and worthiest of men (holding this principle) must vote to deliver up all we have, not only when reason of state, and the separate interest of the crown requires it, but when the will and pleasure (if known) would have it so; for thus must be a man of that principle, as the only rule and means of right and justice: Therefore, my lords, you see how necessary it is that our principles be known, and how fatal it is to us all that this principle should be suffered to spread any further.

My lords, to conclude, your lordships have seen of what consequence this matter is to you, and that the appointing a day to consider is no less than declaring yourselves doubtful upon second and deliberate thoughts, that you put yourselves out of your own hands, no more than moral probability of having this session made a precedent against you. You see your duty to yourselves and the people, and that it is really the interest of the House of Commons, (but may be the inclination of the court) that you lose the power of appeals: But I beg our house may not be *felo de se*, but your lordships would take in this affair a due course to preserve yourselves, and appoint a day, this day three weeks, for hearing Dr Shirley's cause, which is my humble motion.

Speech made in the House of Peers, by the Earl of Shaftsbury, November 1678, *upon Consideration of the State and Condition of England, Scotland, and Ireland.*

This strange speech, into which the orator has thrown a certain leaven of fanaticism, was the subject of much speculation at the time when it was delivered. Scotland, groaning under the tyranny of Lauderdale, was then on the eve of revolt; and in England, the ferment excited in the popular mind by the popish plot had prepared the people for desperate measures. Shaftesbury was indefatigable in printing and publishing these speeches, which were perused with great avidity by the people.

My lords,

You are appointing of the consideration of the state of England, to be taken upon a committee of the whole house some day the next week; I do not know how well what I have to say may be received; for I never studied either to make my court well, or to be popular; I always speak what I am commanded by the dictates of the spirit within me.

There are some other considerations that concern England so nearly, that without them you will come far short of safety and quiet at home.

We have a little sister, and she has no breast; What shall we do for our sister in the day when she shall be spoken for? If she be a wall, we will build upon her a palace of silver; and if she be a door, we will inclose her with boards of cedar: We have several little sisters without breasts, the French protestant church, the two kingdoms of Ireland and Scotland. The foreign protestants are a wall, the only wall and defence to England; upon it you may build palaces of silver, glorious palaces. The protection of the protestants abroad is the greatest power and security the crown of England can attain unto, and which can only help to give a check to the growing greatness of France. Scotland and Ireland are two doors that let in either good or mischief upon us: They are much weakened by the artifice of our cunning enemy, and we ought to inclose them with boards of cedar. Popery and slavery, like two sisters, go hand in hand; sometimes one goes first, and sometimes the other, in a door; but the other is always following close at hand. In England, popery was to have brought in slavery; in Scotland, slavery went before, and popery to follow. I do not think your lordships, or the present parliament, have jurisdiction there; it is a noble and antient kingdom; they have an illustrious nobility, a gallant gentry, a learned clergy, and an industrious, worthy people; but yet we cannot think of England as we ought, without reflecting on the condition they are in, they are under the same prince and influence of the same favourites and council, they are hardly dealt with; and can we that are the richer expect better usage? for it is certain, that in all absolute government, the poorest countries are always most favourably dealt with, when the ancient nobility and gentry there cannot enjoy their royalties, their shrevedoms, and their stewarties, which they and their ancestors have possessed for several hundred years, but that they are now enjoyned by the lords of the council to make deputations of their authority to such as are their known enemies; can we expect to enjoy our Magna Charta long under the same persons and administrations of affairs, if the council there can imprison any nobleman for several years, without bringing him to tryal, or giving the least reason for what they do? Can we expect the same men will preserve the liberty of the subject here? I will acknowledge that I am not well versed in the particular laws of Scotland.

But this I do know, that all the northern countries have, by their laws, an undoubted and inviolable right to their liberties and properties; yet Scotland has outdone all the eastern and southern countries, in having their lives, liberties, and estates sequestered to the will and pleasure of those that govern. They have lately plundered and harassed the richest and wealthiest counties of that kingdom, and brought down the barbarous Highlanders to devour them, and this without almost a tolerable pretence to do it, but those which design to procure a rebellion at any rate, which, as they managed it, was only prevented by the miraculous hand of God, or otherwise all the papists of England would have been armed, and the fairest opportunity given in the just time for the execution of that bloody and wicked design the papists had; and it is not possible for any man that duly considers it to think other, but that those ministers that acted there, were as guilty in the plot as any of the lords that are in question for it.

My lords, I am forced to speak this, and plainer, because until the pressure be fully taken off from Scotland, it is not possible for me or any thinking man to believe that good is meant; it is here we must still be upon our guard, apprehending that the prin-

ciple is not changed at court, and that those men that are still in place and authority have their influence upon the mind of our excellent prince, that he is not, nor ever can be, that to us which his nature and goodness would incline him to. I know your lordships can order nothing in this; but there are those that hear me, can put a perfect cure to it, and until that be done, this Scotch weed is like death in the pot *mors in Olla;* but there is something which now I consider most immediately concerns us, their act of two-and-twenty thousand men to be ready to invade us upon all occasions; this I hear the lords of the council there have treated, (as they do all other laws) expounded it unto a standing army of sixty thousand men. I am sure we have reason and right to beseech the king, that that act may be considered in the next parliament there. I shall say no more of Scotland at this time; I am afraid your lordships will think I have said too much, having no concern there; but if a French nobleman should come to dwell in my house and family, I think it concerns me what he did in France; for if he was there a felon, a rogue, a plunderer, I should desire him to live elsewhere, and I hope your lordships will think fit to do the same thing for your nation, if you find the same cause.

My lords, give me leave to speak two or three words concerning our other sister Ireland; thither I hear is sent Douglas's regiment to serve us against the French; besides, I am credibly informed the papists have their arms restored, and the protestants are not many of them received into favour, being the suspected party; the sea-towns, as well as the inlands, are full of papists: That kingdom cannot long continue in English hands if some better care be not taken of it.

This is in your power, and there is nothing there but is under your laws; therefore, I beg that this kingdom at least may be taken into your consideration, together with the state of England; for I am sure there can be no safety here, if those doors are not shut up and made safe.

A Remonstrance of the Popish Clergy of France, to the present King Lewis XIV. Wherein is attempted an utter Suppression and Subversion of the Protestant Religion in that King's Dominions and Conquests. Translated into English by a Person of Quality, for the publick Benefit.

Anno 1677.

This tract seems to have been published to augment the public dread of the catholics, by shewing their deep jealousy of the church of England, and the various measures which were in agitation amongst the Romish priests to put an end to the northern heresy.

The Remonstrance of the Clergy of France, made to the King the 17th of August, 1675, by the most Illustrious and most Reverend Jean Baptiste Adhemar de Monteil de Grignan, Lord Archbishop of Claudiopolis, Coadjutor of the Archbishoprick of Arles, and

Counsellor to the King in his Councils, assisted by all the Lords, Archbishops, Bishops, and other Deputies of the General Assembly now held at St Germain en Laye.

Sir,

YOUR majesty may peradventure be surprised to find, that after all those great and advantageous things your majesty has already done for the benefit of the church, this same church should again this day, by her principal ministers, pour out her remonstrances and complaints at the foot of your throne, and implore your sovereign authority against the attempts of those who are enemies to religion.

If, sir, we should here suffer ourselves to be wholly governed by the motions of our hearts, we should then only raise our voices to make the world echo with the many and great acknowledgments the church of France so strictly owes to your majesty's piety and virtue: But her immediate and pressing necessities oppose that inclination, and compel us for some short space to suspend the transports of our gratitude, that we may represent to your majesty what you have yet remaining to do for the entire re-establishment of religion, wherein the principal point of our happiness does consist.

And that which does most encourage and embolden us to satisfy this pressing duty, is, that we are assured we have the honour to speak to a king already prepossessed in our favour; and although the hearts of kings, according to the oracle of the scripture, are inscrutable, we nevertheless very well discern in that of your majesty, your religious intentions for the church. Piety inhabits that great, that magnanimous heart, an interior advocate, that pleads for us much better than we can for ourselves.

Besides, sir, what is past is a sufficient warranty to us for what is to come, the glorious testimonies that religion has, upon all occasions, received of your majesty's christian zeal, the demolition of so many temples that violence had erected to the idol of error, the suppression of so many colleges which were the seminaries of perdition, wherein they infected our over-credulous youth with the poison of untruth, the withdrawing your majesty's royal grace and favour; and those other ways mixt with severity and sweetness, contrived by your own piety and wisdom to reduce those straying souls into the paths of salvation: All these great advantages, which ought to be objects of an eternal gratitude to the church, are to us almost certain presages, that your majesty will finish what you have so happily begun, and give the last stroke to this monstrous hydra of heresy.

Your majesty, sir, may easily perfect the work, in doing that for the particular good of religion, which you have already done in regulating the administration of publick justice. You have, sir, acquired to yourself the praise and admiration of foreign nations, as well as those of your own people, by the reformation of the politic laws of your kingdom: Attract, sir, also the benedictions of Heaven upon your own person and posterity, by reforming those edicts and declarations which sole necessity, and the disorder of affairs have wrested from the hands of the kings your predecessors. And there are some also crept in even in these latter times, which require your majesty's application, to which the malignity of hereticks gives so false colour, and so many pernicious interpretations, that we cannot avoid preferring our submissive complaints, and humbly to apply ourselves to your majesty for redress.

If we will believe these enemies of our religion, we are not only not permitted to endeavour the conversion of our children not yet arrived to fourteen years of age; but are also forbid to receive them into the bosom of the church, when inspired by God himself to desire it. But these wilfully blind people do not see, that there are things in order of the church, which cannot properly be the business of human regulation, forasmuch as they are already regulated by the express, either natural or positive, laws of God. They do not discern that this is to offer violence to your majesty's zeal, piety, and justice. For were it not, in fine, to endeavour to prescribe limits to the divine

mercy, and to subject the grace of the Almighty to the authority of human laws? Our God is no more a respecter of ages, than of persons, saith St Cyprian; his spirit blows where and when it pleases him, without being subject either to time, or the laws of men; and if it be a crime worthy the severest chastisement from God, to shut a man's eyes against the light of truth, and to resist the divine attractions of grace, is it possible, without being criminal, to shut the doors of the church against those, who, by this same grace are brought unto it? We are, as well as St Paul was, debtors to all; to Greeks and Barbarians, to the wise, and to the ignorant; and should we deny the bread of the word of life to poor children, who desire to be instructed by us! Should we see these innocent souls, who are the true inheritors of the kingdom of heaven, perish before our eyes? The Saviour of the world commands that such be suffered to come unto him, and shall it not be lawful for us to take them by the hand? According to these false maxims of the hereticks, our duty should be opposed against our duty, and we should, sir, find ourselves reduced to the sad necessity either of violating the laws of God to observe yours, or of violating yours to observe the laws of God. But we are far from believing that this can be conformable to the intentions of the most just and clear sighted of all kings: The rules of Christianity and religion are too deep engraven in your majesty's royal heart to suffer such dangerous interpretations as these, and to clear all manner of doubt in so important an affair.

We were formerly permitted to go to visit the sick of the pretended reformed religion without being called, and we found, by happy experience, that many who all the time of their lives had been obstinate confederates with error, became, at their death, faithful confessors of the truth: The sickness that weakned their bodies served to fortify their faith; disabused with the vanities of the world, they more willingly gave ear to the admonitions of conscience; the approaches of death dissipated the illusions of life; and whether it were that grace was now more strong, or that their hearts were grown more flexible to instruction; their souls, even when half separated from the body, began with pleasure to relish Christian verities. But how go matters now, since we have been forbid to visit these sick persons? What desires soever these poor wretches have to reconcile themselves to God and the church, how importunate soever they are to have a priest, who is that charitable man in the gospel whose assistance they stand in need of to plunge them into the healing pool of repentance? Those about them oppose these just desires, not one will do that good office for them, and all their friends conspire to stifle these good dispositions, or to render them fruitless; and pretending them to be but idle ravings of an imagination disordered by the violence of the disease, with all possible caution and endeavour, hinder the church from being made acquainted with it. What can there be then, sir, more just to remedy so criminal a vexation, than to suffer the pastors of the church, unsent for, to go and visit these sick persons, to the end they may truly discover their real inclination? Is it not to allow those of the reformed religion a sufficient toleration and full liberty of conscience, seeing it is to make them absolute masters of their own free choice even to death, and to take order that parents and relations may not exercise over them the most insolent and cruel of all tyrannies in taking this liberty from them?

But being, sir, it would be the greatest rudeness and injustice too much to abuse your majesty's more precious leisure, we shall pass over other grievances we have to represent in silence; of which also the commissioners your majesty has graciously appointed to be present at our conferences may give a more full account: But, sir, the goodness of God prompts us to renew one most humble request, a suit that we have often preferred, but shall never cease to sigh till your majesty shall do us the grace to grant it, which is by a solemn law, and that under very severe penalties, to forbid all your catholic subjects to change their religion, seeing that this pretended liberty of conscience is looked upon by all the catholicks as a precipice set before their feet, as a

pit-fall made to trap their simplicity, and as a door set open to all manner of licenciousness. Take from them, sir, take from them this fatal liberty, and settle them in a blessed necessity of being always faithful. Such a law as this cannot possibly interfere with the edicts that permit liberty of conscience, forasmuch as those edicts having only respect to them by whom they were with the greatest importunity solicited, and for whom alone they were made, can no ways comprehend the catholicks, by whom they have ever been loathed and abhorred.

Besides, sir, if these of the reformed religion are tolerated to continue in their false belief, why shall not the catholicks be permitted to bind themselves fast and firm to the true religion, by all the ties that may prevent the inconstancy of human fancy? The law, sir, that we humbly propose to your majesty, is the strongest of all those ties, and in imposing it upon your catholick subjects, your majesty will only fortify their own resolutions, yield to their own desires, authorize their own wishes, and fasten, as I may say, the sacred knots by which they desire irrevocably to bind themselves to the faith of the holy church; and we have reason, sir, to hope your majesty will not deny them a means they intreat from you of assuring their salvation, or rather that you will not deny it to God Almighty, who this day, by my mouth, requires it at your hands.

What, sir, can you deny him, after all the prosperities he has showered upon your head? What success has he not blessed your arms withal, when animated by your royal presence? It appears as if your enemies were multiplied to no other end but only to multiply your victories. All your campaigns have been signal, either by the taking of some considerable place, or some province; and your majesty has so accustomed us to see nothing in the history of your reign, but victory upon victory, and conquest upon conquest, that having made us to forget that the chance of arms is uncertain, it now appears strange that it can be so much as once contrary to us.

Is it not to God that you stand obliged for these glorious successes? Yes, doubtless, sir, it is; and it now remains that you give the last and highest testimony of your acknowledgment, by making use of your authority for the utter extirpation of heresy.

Your majesty has done nothing hitherto for the glory of your name that can parallel the renown of such an enterprize. Actions that point at religion, carry with them a character of glory that other exploits, how heroic soever, can pretend no title to. That which is enough to create a hero in war, is not sufficient to make a hero in religion: The re-establishment of altars in a conquered country is more glorious than the conquest itself: Catholicks restored to liberty do better adorn a triumph than conquered enemies, and the titles of protector of the faith, and the defender of the church, sound much better in Christian ears than those of conqueror and invincible.

O how happy had the church been if the jealousy of your enemies would have suffered your majesty's zeal to have acted at its own liberty and full extent! We should then, sir, no more need to petition you in the behalf of religion; your majesty had prevented our desires, and even out-done our greatest expectation. Your enemies, it is true, have attempted to thwart your great and pious designs; but, sir, these weak oppositions ought only to serve to augment the force of your zeal. Let these maligners of your glory, and the prosperity of the church, learn to their cost, to know, that you can at the same time both fight for your dominions, and labour for religion; that, like those illustrious restaurators of the old Jerusalem, you can hold your sword in one hand, and build the walls of the holy city with the other. That is to say, that you can at once both make your enemies feel the power of your arms, and the enemies of God feel the power of your laws.

It is true, sometimes an heroic virtue in those who command the reins of empire, and to whom all things ought to be submitted, themselves to give place to time, and to certain conjunctures that happen in affairs: But, sir, here the cause of God is only in question; consult nothing but your heart in this case; resign yourself up to the con-

duct of your own zeal; do as your piety shall inspire you: The zeal of the house of God has sometimes holy transports, preferable to that equal temper which is the perfection of all other virtues; and the same God who is the mover of those religious sallies, is warranty for their event.

What ought you not to expect from that transcendent genius, that raises you so high above the rest of men? What ought you not to expect from that supreme valour, the too liberal fountain, 'tis true, of our fears and apprehensions for your majesty's safety, but that renders you, sir, the terror of your enemies.

What glory will it be to your majesty, when future ages shall know, that if the kingdom of France, happy under your reign, has withdrawn and pulled in it's frontiers on every side, the church, more happy, has extended hers into the heart of France. Posterity will then know, that if the felicity of Augustus occasioned the felicity of his dominions, the felicity of Lewis the Great has created the felicity both of his kingdom and the church; and they will then also know, that as this spouse of Jesus Christ has delivered you in baptism from the servitude of sin, you also delivered her in your kingdom from the oppression of heresy; that as she admits you to the participation of her sacraments, you have admitted her to a share in your victories; and, in a word, that as she daily sacrifices upon her altars whatever she has of more precious and adorable for the conservation of your sacred person, you have also sacrificed your most precious time, and best endeavours, to procure her all the advantages she either can, or ought to expect from a most Christian prince.

Your majesty then, sir, sees yourself engaged both in piety to God, and upon the account of your own particular glory, to support the interest of religion. What, sir, can we more desire? We have nothing more to beg of you, in order to the gratification of our desires for the prosperity of the church, and shall never think we hazard the cause of God when we absolutely resign ourselves with an entire confidence to your majesty's perfect wisdom, and powerful protection.

The Popish Plot, taken out of several Depositions made and sworn before the Parliament.

This is an abridgment of the celebrated Popish plot. The pretended discoveries of Oates and Bedloe are now given up by all well-informed historians, as a farrago of stupid and inconsistent fabrications, for which nothing but the public ferment, and the extreme jealousy of the catholics, could have obtained credence for a minute. But, fortunately for the contrivers of these figments, the general scope of their evidence coincided with the busy and bustling intrigues by which catholic priests are almost always endeavouring to extend the pale of their church. The religion, or rather bigotry, of the Duke of York had already countenanced those measures in favour of the catholics, which he afterwards persevered in to the loss of his crown, and the ruin of his family. And thus it was, generally speaking, true, that a plot was in agitation against the reformed church, although the extravagant circumstances in the following abridgment were the device of perjured informers, who wished to raise themselves into wealth and importance by feeding the epidemic terror of the nation with a thousand inconsistent surmizes of horror and treason.

THE design in general was (when all other means failed) by fire and sword so perfectly to reduce all his majesty's dominions to the Roman Catholic religion, that no toleration should be given to any protestant, but all should have been extirpated, both root and branch.

The chief designers were,

1. The Pope; 2. Cardinal Howard; 3. Johannes Paulus de Oliva, general of the jesuits; 4. Pedro Jeronimo de Corduba, provincial of the jesuits at Castile: 5. Le-Cheese, a jesuit confessor to the French king; 6. The provincial of the jesuits in England; 7. The Benedictine monks at the Savoy, and other seminary priests and jesuits.

The work was so great, and in their apprehensions so glorious, that the most eminent of the popish clergy in Europe were engaged in it; it cannot be said, to be an act or contrivance of a few particular persons, but an unanimous act of their whole church, and so let it be recorded to their everlasting shame. The pope, in the congregation *de propaganda fide*, held about December, 1677, declared his majesty's dominions to be St Peter's patrimony, as forfeited to him for the heresy of prince and people, and so to be disposed of as he pleaseth: To this end he appoints Cardinal Howard, as his legate, to take possession of England in his name: He also constituteth new archbishops, bishops, and other dignitaries for all or most of the places in England, removing all the bishops in possession from their present dignities.

Johannes Paulus de Oliva, general of the jesuits at Rome, gives direction to the provincial of the jesuits in London how to proceed in this affair; where note, the college, called the Society *de propaganda fide*, consists of about three hundred and fifty persons: The priests in England are in number about eighteen hundred.

At a consult held May, 1678, by the provincial and society of jesuits, they declare the king an heretic, they depose him, and condemn him to be murdered. At this, and some other consults held before and after that month, they appoint the chief officers of state, as the lord chancellor, the lord high treasurer, the lord privy seal, the secretaries of state, &c. They also constitute the officers of war both by sea and land, as the lord general, the lieutenant general, &c. colonels, captains, and other officers. Here note, the greatest part of those officers were French and Irish, and not one English commander was appointed for the fleet. Their army should have consisted of eighteen hundred officers, and twenty thousand common soldiers listed in and about London. These they gave out were enough to cut the throats of ten thousand protestants; especially being taken upon a surprise, and themselves being assisted by the French. Groves, Smith, and others were appointed by the college to go from house to house to inform the chief papists in and about London of these intentions, that they may have their approbation, which they call the consent of the people. To carry on this or any such like design, the society of jesuits in England have seventy thousand pounds per annum estate in lands managed by their trustees. They have an hundred thousand pounds in ready money employed at interest by scriveners, and used in trade by graziers, jobbers, and bankers. Johannes Paulus de Oliva supplies them with eleven thousand pounds from Rome; Pedro Jeronymo de Corduba, provincial of the jesuits at Castile, contributes ten thousand pounds more; Le-Cheese, the French king's confessor, advances ten thousand pounds, besides several considerable sums given to Coleman by foreign ministers of state. For the more speedy effecting of this, several persons are set on work in several ways to accomplish it, to whom huge sums of ready money were given in hand, and great rewards were promised afterwards when the work should be done; as, 1. Four Irish ruffians were employed to murder the king when he went last to Windsor, by such ways and means as they could. 2. Coigniers and Anderson, two Benedictine monks, were suborned to stab the king. 3. Groves, otherwise called Honest William, and Pickering, undertook to shoot the king. 4. Sir George Wakeman, the queen's physician, was contracted with to poison the king, for which he should

have had fifteen thousand pounds, five thousand of which was paid in part by Coleman, and in the presence of Dr Fugarty, an Irishman.

They concluded to use the name and interest of the Duke of York, if he would comply with them. 1. To accept of the three kingdoms as a gift from the pope, and to hold them in fee of him. 2. If he would confirm their settlement of church and state. 3. If he would exterminate all protestants. 4. If he would pardon the murderers of his brothers, the murderers of the people, and those who should fire the remaining part of the city and suburbs.

How bloody the execution of this plot must needs have been, cannot easily be imagined, and how miserable the remaining part of the poor people and children left alive must have been, cannot be conceived. No places in the world are so miserably enslaved under the worst of tyrants, as those who live within the verge of St Peter's patrimony, which must have been the state of England.

As for Ireland, the pope had made the titular Archbishop of Dublin his legate, to take possession of that kingdom in his name. Talbot, his brother, was made general of all the forces in Ireland. The Duke of Ormond was to be murdered, and then the Irish were to rise, and form an army of five thousand horse, and twenty thousand foot, and to murder the protestants as they did before. This they call zeal for the Roman Catholick religion. To enable the Irish to this, the pope contributed eight hundred thousand crowns; the French had already sent over some supplies, and had promised a further seasonable supply of arms, men, and money, so soon as they should be in action. Le-Cheese had a great influence in all these transactions.

As for Scotland, the great design of the jesuits was to raise a rebellion there; to this end they diverse times sent over several jesuits to mingle themelves, if they could, with the dissenters, so as they might preach in their field-meetings, and encourage them to take arms, to vindicate their religion and liberty against Duke Lauderdale's tyranny, and also the tyranny of the bishops, as they term it. The papists were to raise an army of eight thousand men to join with the dissenters, lest they might have been suppressed by Duke Lauderdale.

As for Holland, they have sent over twelve messengers thither for to sow dissention between the prince of Orange and the States, which in the Lovesteyn party go under the name of the fifth monarchy-men.

To these things may be added the firing of London upon design by the jesuits in September, 1666, which should have been burnt sooner, but they could not get persons and things ready for execution; the persons that were employed, the place where they met to consult, the manner how those eight persons executed at Tyburn in April before were drawn in, and afterwards betrayed by them, were all specified to the parliament. Where note, the Gazette in April, 1666, tells the world that eight persons were executed at Tyburn for designing to burn the city the third of September following, only as a colour of that wicked act they intended to commit, that it might be cast upon the fanaticks, whose interest it was, all the world knows, to preserve this place for a shelter and a hiding place to them. Richard Strange, a jesuit, sometime provincial of that society, did inform this, whose information and the execution do very well agree together. The society of jesuits employed Groves, and three Irish ruffians procured by Dr Fugarty to fire Southwark, for which they had one thousand pounds; that is, Groves had four hundred pounds, and the Irish ruffians had two hundred pounds a-piece, and yet the society got by the bargain, for whilst the fire rages they have their instruments to plunder houses, and steal what goods they can, which they carry to their ware-houses in Wild-street, and Somerset-house. In the firing of Southwark they got two thousand pounds; in the burning of London they got fourteen thousand pounds, as Strange the jesuit confessed. The society of jesuits designed lately to burn Westminster, Wapping, and the remote parts of the suburbs. Blondel, a jesuit, had his post

at Wapping, where he began his work, but the fire was by God's mercy prevented in other places. That this was done upon design is evident, for it was fore told upon oath twelve days before, that such a day Wapping should be set on fire, as it came to pass. This Blondel is the jesuits ordinary at Newgate, where he endeavours to pervert the prisoners condemned, by promising them pardon, and feeding them with hopes of transportation: those whom he finds wicked enough for his purpose, he entertains in his service.

At present it is necessary to give this short account to satisfy the world, because, notwithstanding the votes of both houses of parliament, that they were satisfied with the information given them, that there was a plot to murder the king, alter the government, and subvert religion established by law, the papists impudently deny the thing, or extenuate it, that very few were concerned in it. and that it was not so bad as the world would make it. In this their impudent lying, they were much confirmed and encouraged by the office, sent out by the bishops, to be used on the fast appointed the 13th of November last, wherein there was no mention of this plot; so that the people might be easily run down by the impudency of the papists, that there was no plot at all, nor design upon his majesty's person.

The papists lay aspersions on Oates's person, (the first discoverer of this plot) that he is a debauched fellow, turned out of the college at St Omers, and doth all this out of revenge. They suggest that his information must needs be fictitious, because it is improbable he should come in so short a time to a distinct knowledge of so many particulars; or if he had heard or seen them, that he should remember them; and that if he went amongst them with an intent to discover them, why did he not do it sooner? And lastly, they say it is not likely that those who mingled their blood with that of his majesty's best protestant subjects in the late wars, should now, as one man, have the least thoughts of murdering the king they had fought for, and destroy the liberty of the nation they had vindicated with their lives; these insinuations seem plausible, but when we look into them, we shall find they are either palpably false, or frivolous.

As to Titus Oates's education, he was bred a student in St John's college in Cambridge; that he is a scholar appears by his proceeding doctor in divinity in Salamanca in Spain, no mean university, where he did all his exercise, more difficult than that performed by us here. He was sometimes minister at Chichester, and at last chaplain to the Duke of Norfolk. In all these stations he was a person of a sober life and conversation, and never charged with debauchery, and dares appeal to the jesuits themselves in this particular, who would never have esteemed him so much, nor trusted him so far, had they not found him a sober man, and fit for their purpose.

When he was the Duke of Norfolk's chaplain, he over-heard some whisperings among the priests, that there was some great design on foot, but could not learn what it was. He had heard from his protestant friends, and had read in Sir Hammond L'Estrange's History of King Charles the First, that the papists had carried on a design for many years to introduce popery again into these nations, which created in him an itching desire to see the depth of it, and if it were possible to countermine it; to this end, he seemed to some priests as if he were dissatisfied in some things, as to our church, and desired an opportunity to discourse with some of their jesuits, which the priests procured, upon this condition, that he would not betray them. After sundry conferences with them, in which he suffered himself to be overcome, he was formally reconciled to the church of Rome; after his reconciliation, he begged the fathers of the jesuits that they would give him their order, which was granted him after three days consideration. They then told him, because he was a man of years, being about twenty-eight, they would not employ him, as usually they did novices, in drudgery for the first two years, but he should spend that time in being a messenger for their society. This exactly fitted his design, so that he was sent with letters into Spain; those he opened, and by

them began to smell something of their hellish designs, and managed his business so dexterously, that after a little time he was taken into their consult, as they call it, and so had an opportunity to see all that was acting at the present, and liberty, without suspicion, to enquire how any thing past had been carried on; more particularly he made it his business to inform himself of the beginning, progress, and conclusion of the late wars, in all which he found the jesuits had a great hand. By this means he understood that the city was fired by their contrivance, and was told how the plot was laid, and who were the actors in the several scenes of it, which he might confidently believe, because he saw how they burnt Southwark, and designed to burn the Temple, Westminster, and the rest of the suburbs. He kept short notes of all things of moment that occurred from the time he was admitted into their society, with an intent to produce them when they might be of use; by this means he is able to give so exact an account of all occurrences, which are confirmed by other circumstances and collateral evidence, that in many hundred particulars no one thing hath interfered with another, nor with those papers that have been found elsewhere, or with those informations that have been given in by other persons. For instance, he informs that Coleman was a great agent in this business; letters found inform the same. He informs that he delivered commissions received from Langhorn; letters intercepted make mention of commissions sent, which they hoped were delivered. In short, it was impossible that a man should contrive such a thing, attended with so many hundreds, nay some thousands of circumstances, and comparing them with so many papers, and informations, and examinations of so many other men, but they would interfere one with another if they were false: therefore it may be concluded the whole is true, till something be found to the contrary, and then it will follow that this is the most bloody, devillish, and hellish design that ever was contrived. The massacre in France, though very barbarous; the massacre in Ireland, though very bloody; the invasion intended in 88; the gun-powder treason, were inferior to this, which should immediately have spread itself over so many kingdoms.

That proposition made in parliament to imprison all the priests and jesuits that can be found in the three kingdoms, and to secure the principal papists in his majesty's dominions, to be kept as hostages for his majesty's life, seems not unreasonable. It is essential to the popish religion, (founded upon the pope's supremacy and infallibility) that all papists do own a foreign allegiance, namely, to the pope: the oath of supremacy is diametrically opposite to the popish religion; whoever takes that oath, and is a papist still, in these two fundamental points, debauches his conscience, and must do all the pope bids him *in ordine ad spiritualia* notwithstanding When the pope condemns any for heresy, (as is our case now) all papists are bound, as papists, to destroy such when it is commanded; this is not only their duty, but it is meritorious so to do, as the papists did believe it in our intended massacre. So that they are our inveterate, irreconciliable, profest enemies, and would have declared themselves so, had they not been prevented by God's mercy in preserving the king's life, and the seasonable discovery of the plot. Though they are not in open hostility, they lurk in secret, and ought to be looked upon as spies, and by the law of nations may be used as such; then, if instead of present death, which all spies deserve, their priests, and jesuits, and principal laity are imprisoned, and there kept, not to be executed, unless their confederates abroad exert their wicked principles, and put them in execution, by murdering our king, burning our houses, and embroiling the nation in blood, this seems to be no piece of injustice.

As to the time of Oates's discovery of the plot, if on the first intimation of the papists, design, he had made a discovery of it, probably he had been rejected, because he could not make out the particulars, as now he doth. He hath been hardly received since, and therefore would in all likelihood have been rejected then. Further, he had not

the command of himself, when he engaged in their society; had he moved any way without, or contrary to their order, he had presently been suspected, and might easily have been found out; as soon as he was sent from St Omers into England, and had an opportunity, he did shew his real intention to preserve his majesty's person, and his native country from their Romish enemies, the safety of which depended solely upon his information, which for aught we see must otherwise have been a prey to them.

As to the papists assisting King Charles the First in the late wars, the violence of the people forced them to that side, where they did as much hurt to his majesty, by scandal they brought to his party, as they did good by their arms. For they were the cause of that war, and it mattered not much what side they were on, so that their design might go forward: They were the main men which brought the king's head to the block. Monsieur de Moulin, in print, hath offered to make good all these things, but was never called to it; he is yet living, a man of reputation, who doubtless will make good his word.

To conclude, this is such a plain discovery of the roguery and villany of the papists, as hath not been made since England departed from the church of Rome. It is hoped, that all poor, deluded persons, now they see such things they could never have believed, essential to the Romish religion, will renounce their foreign allegiance to so devillish a master as the pope is, and return to the church of England, and free themselves from those impending troubles which will justly and necessarily come upon them; in the suffering of which they can have no comfort. Persons that will retain (after all means used to satisfy them) such hellish principles as the papists do, ought either wholly to be rooted out from all mankind, or to be put into such a condition, under such circumstances, that they can do no hurt. As for such as shall be obstinate in their irreligion, and maintain a resolution to destroy all hereticks, that is protestants, as soon as they can, it seems not unreasonable to take hostages of them for securing of the king's life and kingdom's peace, which can be secured no other way but by putting things into such a posture, that the papists shall presently lose much by the king's death, and get no advantage afterwards by his successors; which must be left to the wisdom of parliament. The candour of the protestants is such, that no violence or affront hath been offered to any papists, though the protestants see their houses so frequently fired by their means, and are sure this plot was laid by them, and should have been put in execution so soon as they had accomplished their treason upon the king's person.

Though the pressure should fall upon the papists in general, when it may be presumed many are innocent, there may be this offered in the case, that few papists have made any discovery, though many, yea most of the principal papists in England have been acquainted with it: so that all the rest seem to be guilty either *á parte ante*, by consenting to it, and intending to act in it, or *á parte post*, by denying, approving, concealing, extenuating, and mincing of it.

The Archbishop of Canterbury's Letter to the King concerning the Plot, &c. and written with his own Hand.

May it please your Majesty,

As great as the secret is which comes herewith, yet I choose rather to send it in this silent covert way, and I hope safe, then to come thither, and bring it myself. First, because I am no way able to make haste enough with it. Secondly, because should I come at this time and antedate the meeting, there would be more jealousy of the business, and more enquiry after it, especialy if I, being once there, should return again before that day, as I must if this be followed, as is most fit.

The danger it seems is imminent, and laid by God knows whom; but to be execu-

ted by them which are very near about you (for the great honour which I have to be in danger with you, or for you, I pass not, so your sacred person and the state may be safe.) Now, may it please your majesty, this information is either true, or there is some mistake in it: if it be true, the persons which make the discovery will deserve thanks and reward; if there should be any mistake in it, your majesty can lose nothing but a little silence.

The business (if it be) is extreme foul; the discovery thus by God's providence offered, seems fair. I do hereby beg it upon my knees of your majesty, that you will conceal this business from every creature, and his name that sends this to me. And I send his letters to me to your majesty, that you may see his sense both of the business and of the secrecy. And such instructions as you think fit to give him, I beseech you let them be in your own hand for his warrant, without imparting them to any. And if your majesty leave it to his discretion to follow it therein in the best way he can, that in your own hand will be instruction and warrant enough for him; and if you please to return it herewith presently to me, I will send an express away with it presently. In the mean time, I have by this express returned him this answer, that I think he shall do well to hold on the treaty with these men, with all care and secrecy, and drive on to the discovery so soon as the business is ripe for it; that he may assure himself and them, they shall not want reward, if they do the service; that for my part he shall be sure of secrecy, and that I am most confident your majesty will not impart it to any; that he have a special eye to the eighth and ninth proposition. Sir, for God's sake and your own safety, secrecy in this business; and I beseech you send me back this letter, and all that comes with it speedily and secretly, and trust not your own pockets with them. I shall not eat nor sleep in quiet till I receive them, and so soon as I have them again and your majesty's warrant to proceed, no diligence shall be wanting in me to help on the discovery.

This is the greatest business that ever was put to me, and if I have herein proposed, or done any thing amiss, I humbly crave your majesty's pardon, and I am willing to hope I have not herein erred in judgment, and in fidelity I never will.

These letters came to me September ten at night, and I sent these away according to the date hereof, being extremely wearied with writing this letter, copying out these other which come with this, and dispatching my letters back to him that sent these, all in my own hand; once again, secrecy for God's sake, and your own: To his most blessed protection I commend your majesty and all your affairs, and I am,

Your Majesty's most humble
and faithful Servant,
William Cant.

A new Narrative of the Popish Plot, shewing the cunning Contrivance thereof; with a signal Providence to this Nation in the Discovery of it, and the Plotters, to the Confusion of the wicked Papists, and to the great Comfort of all good Protestants.

To the Tune of—*Packington's Pound.*

This ballad was designed to ridicule the inconsistencies and improbabilities of the evidences who supported the Popish plot.

The Contents of the First Part.

How Sir Godfrey is kill'd, how his corpse they hide,
Which brought out in chair, a horseback does ride;
How jesuits disguis'd, our houses do fire;
How subtly they plot, and king's death conspire;
Of diverse great lords drawn in to their bane,
An Irish army, and pilgrims from Spain.

I.

Good people, I pray you, give ear unto me,
A story so strange you have never been told,
How the jesuit, devil, and pope did agree,
Our state to destroy, and religion so old.
To murder our king,
A most horrible thing.
But first of Sir Godfrey his death I must sing,[1]
For howe'er they disguise't, we clearly can see,
Who murder'd that knight no good christian cou'd be.
The truth of my story it any man doubt,
We have witnesses ready to swear it all out.

II.

At Somerset-house there is plain to be seen
A gate which will lead you into the back-court,
This[2] place for the murder most fitting did seem,
For thither much people do freely resort.
His body they toss'd
From pillar to post,

[1] Sir Edmondsbury Godfrey, whose strange and mysterious death gave so much credit to the plot.
[2] Vid. Hill's Trial, p. 16.

And shifted[1] so often, 'thad like t'have been lost.
To watch with[2] dark lanthorn the jesuits did go,
But no ways distrusted our honest[3] Bedlo.
The truth of my story, &c.

III.

Lest such close contrivements at length might take air,
When as his dead body corrupted did grow,
They quickly did find an[4] invisible chair,
And set him on[5] horseback to ride at Soho.
His own[6] sword to th' hilt,
To add to their guilt,
They thrust through his body, but no blood was[7] spilt;
T' have it thought he was kill'd by a thief, they did mean,
So they left[8] all's money, and made his[9] shoes clean.
The truth of my story, &c.

IV.

To shew now th' excess of jesuitical rage,
They this loyal city to ruin would bring,
'Cause you citizens are so religious and sage,
And ever much noted as true to your king;
T' your houses they go
With[10] fire and tow,
Then[11] pilfer your goods, and 'tis well you 'scape so;
Y' have seen how they once set the town all in flame,
Yet 'tis their best refuge, if we believe fame.
The truth of my story, &c.

V.

By[12] Bedlo's narration is shewn you most clear,
How jesuits disguis'd into houses will creep;
In a porter's or carman's[13] frock they appear,
Nay will not disdain to cry chimney-sweep,
Or sell you small-coal,
Then drop in some hole
A fire-ball, or thrust it up by a long pole;
But I now must relate a more tragical thing,
How these villains conspir'd to murder our king.
The truth of my story, &c.

VI.

At th'[14] White-horse in April was their main consult,
Where a[15] writing these plotters wickedly frame;
The[16] death of our sovereign was the result,
To which at least[17] forty all signed their name.

[1] Vid. Four Times, p. 18 and 19. [2] Vid. p. 18. [3] Vid. p. 31.
[4] The centinels saw none, p. 69. [5] Vid. p. 20. [6] Vid. p. 35. [7] Ibid. [8] Ibid.
[9] Vid. Coroner's Inquest. [10] Vid. Dr Oates's Nar. p. 22. [11] Ibid.
[12] Vid. his Nar. all along. [13] Vid. also Dr Oates's Nar. p. 68. [14] Vid. Ireland's Trial, p. 19.
[15] Ibid. [16] Ibid. [17] Vid. p. 26.

They would not do that
In the place where they sat,
Trusty Oates must [1] convey't from this man to that;
To make sure work, by [2] poison the deed must be done,
And by a [3] dagger and [4] shot from a gun.
The truth of my story, &c.

VII.

For fear at St Omers, there Oates might be miss'd,
They agreed with a devil t' appear in his place.
In a body of air, believe't if you list,
Which lookt just like Oates, and mov'd with the same grace;
'T could plot, it could cant,
Turn eyes like a saint,
And of our great doctor no feature did want.
Thus [5] hundreds might swear they [6] saw Oates ev'ry day,
But true Oates was here, and the devil saw they.
The truth of my story, &c.

VIII.

From Father Oliva [7] commissions did come,
To raise a great army much treasure is spent:
The old man did once think to take post from Rome,
For to ride at the head of them was his intent;
But [8] Bellas was fit,
Who can deny it,
To command in his place, when his gout would permit;
Lord [9] Stafford was prop'rest to trust with their pay,
Old [10] Ratcliff to range them in battle array.
The truth of my story, &c.

IX.

Th' high-treasurer's place the Lord [11] Powis did please,
Men of desp'rate fortunes oft venture too far;
Lord [12] Peters would hazard estate, and his ease,
And life for the pope too, in this holy war.
Lord Ar'ndel, of old
So warlike and bold,
Made choice of a [13] chancellor's gown we are told:
All these did conspire with the Lord Castlemaine,
Whom now his good dutchess shall ne'er catch [14] again.
The truth of my story, &c.

X.

Great store of wild Irish,[15] both civil and wise,
Designed to join with the [16] pilgrims of Spain,

[1] Vid. p. 20. [2] Vid. Oates's Nar. p. 21. [3] Vid. p. 47. [4] Vid. Pickering's Trial, p. 23, &c.
[5] Vid. St. Omer's Certificate. [6] Vid. also Jesuit's Trial, p, 47, &c. [7] Vid. Oates's Nar. p. 58.
[8] Ibid. [9] Ibid. [10] Ibid. [11] Ibid. [12] Ibid. [13] Ibid.
[14] Dr Oates saw my lord's divorce, as he swore before the king and council.
[15] Vid. Lords' Journal, as also Langhorne's Trial, p. 20. [16] Ibid.

Many [1] thousands being ready all in good guise,
Had vow'd a long pilgrimage over the main.
To arm well this host,
When it came on our coast,
[2] Black bills, forty thousand, are sent by the post.
This [3] army lay privately on the sea-shore,
And no man e'er heard of them since or before.
The truth of my story, &c.

The Contents of the Second Part.

Of arms under ground for horse and for foot,
The king almost kill'd, but gun will not shoot,
For which Pick'ring is whipt. All of them swear
To be true to the plot; yet Oates, not for fear
But revenge, being turn'd away, and well bang'd,
Discovers them all; the jesuits are hang'd.

I.

The plot being thus subtly contriv'd as you hear,
To God knows how many this secret [4] th' impart.
Some famous for cheats, yet their faith they don't fear,
To tie a knave fast they have found a new art.
They [5] swore on a book,
And [6] sacrament took,
But you'll find if into their grave authors you look,
To forswear's no sin, (as th' [7] recorder well notes)
Nor treason, rebellion, nor cutting of throats.
The truth of the story, &c.

II.

Still blinded with zeal, and inveigl'd by hope,
Store of arms they provide for fight and defence,
The lords must command, as vice-roys of the pope,
And all over England they raise [8] Peter-pence.
Their letters they send,
By [9] Bedlo their friend,
Or else by the [10] post, to shew what they intend;
Some hundreds [11] Oates saw, which the jesuits did write,
'Tis a wonder not one of them e'er came to light.
The truth of the story, &c.

III.

Pounds two hundred thousand they to [12] Ireland sent,
Fifteen thousand to [13] Wakeman for potions and pills,

[1] Ibid. [2] Vid. Coleman's Trial, p. 23. [3] Vid. Journal and Trial, ut supra.
[4] As appears in the several trials. [5] Vid. Ireland's Trial, p. 23. [6] Vid. also Hill's Trial, p. 32.
[7] Vid. his Speech in Ireland's Trial, p. 81. [8] Vid. p. 30. [9] Vid. Jesuit's Trial, p. 33.
[10] Vid. p. 29. [11] Vid. Dr Oates's Nar. all along. [12] Vid. Coleman's Trial, p. 23.
[13] Vid. p. 40.

Forty thousand in fire-works, we guess that they spent,
And at least ten thousand for the 'foresaid black bills;
Fifteen hundred more
'Grove should have, they swore;
Four gentlemen ruffians deserved [2] fourscore;
Pious Pick'ring they knew was of masses more fond,
And for [3] thirty thousand they gave him a bond.
The truth of my story, &c.

IV.

These two, to kill the king by promises won,
Had now watch'd for some [4] years in St James's Park,
And Pick'ring, who never yet [5] shot off a gun,
Was about to take aim, for he had a fair mark;
Just going to begin't,
He missed his [6] flint,
And looking in pan, there was no [7] powder in't;
For which he their pardon does humbly beseech,
Yet he had thirty good [8] lashes upon his bare breech.
The truth of my story, &c.

V.

But a sadder mischance to the plot did befal,
For Oates, their main engine, fail'd, when it came to't;
No marvel, indeed, if he couzen'd them all,
Who turn'd him a [9] begging, and [10] beat him to boot.
He wheeling about,
The whole party did rout,
And from lurking holes did ferret them out;
Till running himself blind, he none of them [11] knew,
And fainting at [12] council, he could not swear true.
The truth of my story, &c.

VI.

To strengthen our doctor, brave Bedlo's brought in,
A more credible witness was not above ground;
He vows and protests whate'er he had been,
He would not swear false now for five hundred pound;
And why should we fear
They falsly would swear,
To damn their own [13] souls, and to lose by it here;
For Oates, who before had no penny in purse,
Discov'ring the plot, was seven hundred pound [14] worse.
The truth of my story, &c.

[1] Vid. p. 21. [2] Vid. p. 24. [3] Vid. p. 21. [4] Vid. Ireland's Trial, p. 24. [5] Vid. p. 25. [6] Vid. p. 24. [7] Vid. Jesuit's Trial, p. 33. [8] Vid. Ireland's Trial, p. 24. [9] Vid. Wakeman's Trial, p. 73. [10] Vid. Jesuit's Trial, p. 91. [11] Wak. p. 30, and 55. as also Coleman's Trial, p. 30. [12] Ibid. [13] Vid. Wakeman's Trial, p. 40. [14] Thus Mr Oates and Mr Bedlo affirm in Langhorne's Trial.

VII.

Two witnesses more were let loose from the jail,
Though[1] one, 'tis confest, did run back from his word,
In danger of life, a good man may be frail,
And the[2] other they slander for cheating his lord;
T' each one of these men,
The jesuits brought[3] ten,
To disprove 'em in time and in[4] place, but what then?
One circumstance lately was sworn most clear,
By a[5] man who in hopes has four hundred a year.
The truth of my story, &c.

VIII.

Besides 'twas oft urged; we must always suppose,
To murder the king a great plot there has been,
And who to contrive it so likely as those
Who murders and treasons do hold for no sin.
Things being thus plain,
To plead was in vain,
The jury instructed again and again,
Did find them all guilty, and to shew 'twas well done,
The people gave a shout for victory won.
The truth of my story, &c.

IX.

'Tis strange how these jesuits so subtle and wise,
Should all by the pope be so basely trapan'd,
To hang with much comfort when he shall advise,
And go to the devil too at his command.
He may give them leave,
To lye and deceive,
But what, when the rope does of life them bereave,
Can his holiness, think you, dispense with that pain,
Or by his indulgences raise them again?
The truth of my story, &c.

X.

Yet like mad men, of life a contempt they express,
And of their own happiness careless appear;
For life and for money not one would confess,
Th' had rather be damn'd, than be rich, and live here;
But surely they raved,
When God they out-braved,
And thought to renounce him, the way to be saved,
And with lies in their mouth go to heaven in a string,
So prosper all traitors, and God save the king.
The truth of my story, &c.

Concordat. Cum Recordo Cl. Par.

[1] Mr Prance. [2] Mr Dugdale. [3] Vid. Jesuit's Trial all along. [4] Viz. Ireland was in Town, Aug. 19. Wak. Trial, p. 22. [5] Mr Jenison.

The Power of the Lords and Commons in Parliament in point of Judicature briefly discoursed. By H. Scobell. At the Request of a Worthy Member of the House of Commons.

Printed in the Year 1680.

The five popish lords, who were imprisoned in the Tower on account of the supposed plot, were anxious to shelter themselves under any forms of law which might be capable of preserving them, at least until the popular fury should be somewhat abated. Fortunately the jealousy between the houses of parliament gave them unexpected assistance. The lords addressed the king to name a lord high steward to preside in the trials, which the commons judged unnecessary; and another dispute arose between the houses, whether upon these trials, as being a case of blood, the lords spiritual ought to be absent during the whole trial, or only remove before pronouncing sentence. The latter arrangement, which of course gave the bishops a vote in all the proceedings, excepting the definitive judgment, was keenly opposed by the commons. These disputes gave rise to many pamphlets on both sides, and, among others, to this and the subsequent tract.

Sir,

To give you as short an account of your desires as I can, I must crave leave to lay you, as a foundation, the frame or first model of this state.

When, after the period of the Saxon time, Harald had advanced himself into the royal seat, the great men (to whom but lately he was no more than equal either in fortune or power) disdaining this act of arrogancy and ambition, called in William Duke of Normandy, (the most active prince of any in these western parts, and renowned for the victories that he had successfully atchieved against the French king, then the most potent monarch in Europe.)

This duke led along with him to this work of glory many of the younger sons of the best families of Normandy, Picardy, and Flanders; who, as voluntiers, accompanied the undertaking of this fortunate man.

The usurper being slain, and the crown, by war, gained, to secure certain to his posterity what he had so suddenly gotten, he shared out his purchase, retaining in each county a portion to support the sovereign dignity, which was stiled *Demenia Regni*; (now the ancient demesnes) and assigning to others his adventurers, such proportions as engaged to himself the dependency of their personal service, (such lands only excepted as in free alms were alotted to the church) these were termed *Barones Regis*, or the king's immediate free-holders, for the word *baro* imported then no more.

As the king to these, so these to their followers, subdivided part of their shares into knights-fees, and their tenants were called *Barones Comitis*, or the like; for we find, as in the king's writ, so in theirs, *Baronibus suis al Francois et Anglois*, to their barons, as well French as English; the royal gifts, for the most part, extending to the whole counties or hundreds; an earl being lord of the one, and a baron of the inferior donations to lords of townships or manors.

And as the land, so was also the course of judicature divided, even from the meanest to the highest portion; each several had his court of law, preserving still the custom of our ancestors the Saxons, who, *jura a per Pagos reddebant*, distributed justice throughout each village: And these were termed court-barons, or the freeholders court, (twelve usually in number) who, with the thame, or chief lord, were judges.

The hundred-court was next, where the *hundredus*, or *aldermannus*, (lord of the hundred) with the chief lord of each township within their limits, judged. God's people observed this form; in the public *centurionis et decam judicabant plebem omni tempore*, hundreds and decennaries administring justice to the people at all times.

The county-court, or General Placitum, was the next; this was to supply the defect, or remedy the corruption of the inferior: For *Ubi curiæ dominorum probantur defecisse, partinet ad vice-comitem provinciarum*, where the hundred-court was found defective, matters referred to the lord of the county. The judges here were *Comites et Barones comitatus, qui liberas, in hoc, terras habeant;* earls and barons of the county, that were free-holders in the same.

The last and supream court, and proper to our question, was *generale placitum apud London*, the general council at London; *universalis synodus*, the universal synod, in charters of the conqueror, *caiptalis curiæ*, the capital court, by Glanvil, *Magnum et commune concilium coram rege, et magnatibus suis;* the great and common council before the king and his nobles.

In the rolls of Henry the Third it is not stative, but summoned by proc amation. *Edictur Generale Placitum apud London;* (says the Book of Abingdon) whither *Duces, Principes, Satrapæ, Rectores, et Causidici ex omni parte confluxerunt ad istam Curiam*, saith Glanvil, the General Assembly was called at London; whither dukes, princes, peers, rectors, and lawyers, resorted from all quarters: and causes were referred *propter aliquam dubitationem quæ emergit in Comitatu cum Comitatus nescit dijudicare*, upon any question or difficulty which the county-court was not able to solve. Thus did Ethelweld, Bishop of Winchester, transfer his suit against Leostine from the county *ad Generale Placitum*, or the General Assembly: In the time of King Etheldred, Queen Edgine against Goda, from the county appealed to King Etheldred at London, *Congregatis Principibus et Sapientibus Angliæ*, where the princes and wise men of the land were met together. A suit between the Bishops of Winchester and Durham, in the time of Sir Edward, *Coram Episcopis et Principibus Regni in præsentia Regis ventilata et finita*, was handled and determined by the bishops and princes of the realm in the presence of the king. In the tenth year of the Conqueror, *Episcopi, Comites et Barones Regni protestate adversis Provinciis, ad Universalem Synodum, pro causis audiendis et tractandis, convocati;* the bishops, earls and barons of the realm, &c. being assembled at the universal council to hear and determine controversies, (says the Book of Westminster.) And this continued all along in the succeeding king's reign, until toward the end of Henry the Third.

As this great court or council, (consisting of the king and barons) ruled the important affairs of state, and controlled all inferior courts; so were there certain officers, whose transcendant power seemed to be set for the circumscribing the execution of the prince's will; as the steward, constable, and marshal, fixed upon families in fee, for many ages. They (as tribunes of the people, or *Ephori* among the Lacedemonians) growing by unmanly courage terrible to monarchy, fell at the feet and mercy of the king, when the daring Earl of Leicester was slain at Evesham.

This chance, and the dear experience Henry the Third himself had made at the parliament at Oxford, in the fortieth year of his reign, together with the memory of the many straits his father was driven unto, especially at Rumny-Mead near Stanes, brought this king to begin what his successors fortunately finished, in lessening the strength and power of his great lords. And this was effected by searching into the

regality they had usurped over their peculiar sovereigns, whereby they were found to be (as the Book of St Albans termeth them) *quot Domini, tot Tyranni*, how many lords, so many tyrants; and by weakening that influence and sway which they carried in the parliaments, by commanding the service of many knights, citizens, and burgesses, to the great council.

Now began the frequent sending of writs to the commons; their assent not only used in money, charge, and making laws, (for before, all ordinances passed by the king and peers,) but their consent also in judgments of all qualities whether civil or criminal. In proof whereof I will produce some few succeeding precedents out of record.

When Adamor (that proud prelate of Winchester, the king's half-brother) had aggrieved the state by his formidable insolence, he was banished by the joint sentence of the king, the lords, and commons. And this appeareth expresly by the letter sent to Pope Alexander the Fourth, who expostulated a revocation of him from exile, because he was a church-man, and so not subject to any censure: In this the answer is *Si Dominius Rex aut Majores Regni hoc vellent* (meaning his revocation) *Communitas tamen, ipsius ingressum in Angliam jam nullatenus sustineret;* though the king and lords should consent to his revocation, yet would the commons never allow of it. The peers subscribe this answer with their names, and *Pertus de Mountford vice Totius Communitatis*, as speaker or proctor of the commons.

For by that stile Sir John Tiptoft (prolocutor) affirmeth under his arms the deed of entail of the crowns by King Henry the Fourth, in the eighth year of his reign, for all the commons.

The banishment of the two Spencers in the fifteenth of Edward Second, *Prelates, Comites, et Barones, et les autres Peeres de la Terre, et Communes de Royaulme*, the prelates, earls, and barons, and the rest of the peers of the realm, and commons of the land, do give consent and sentence to the revocation and reversement of the former sentence; the lords and commons accord; and so it is expressed in the roll.

In the first of Edward the Third, when Elizabeth, the widow of Sir John de Burgo, complained in parliament, that Hugh Spencer the younger, Robert Boldock, and William Cliffe his instrument, had by *duresse*, forced her to make a writing to the king, whereby she was despoiled of all her inheritance; sentence is given for her in these words; *Pur ceo que avis est al Evesques, Counts, et Barons, et autres Grandes, et a tout Comunalte de la Terre, que le dit script est fait contre Ley et tout manere de Raison, si faist le dit Escript per agard del Parliament dampue alloquens al livre a la dit* Elizabeth, forasmuch as it appeareth unto the bishops, earls, and barons, and all the commonalty of the land, that the said writing was made against all law and reason, it is adjudged by parliament, &c.

In *an.* 4. Ed. 3. it appeareth by a letter to the pope, that to the sentence given against the Earl of Kent, the commons were parties, as well as the lords and peers; for the king directed their proceedings in these words, *Comitibus Magnatibus, Baronibus, et aliis de Communitate dicti Regni ad Parliamentum illud congregatis injunximus, ut super his discernerent et judicarent, quod Rationi et Justitiæ conveniret, habere præ oculis solum Deum, qui eum concordi unanimi sententia tanquam Reum criminis læsæ Majestatis morti adjudicarent ejus sententia*, &c. We have commanded the earls, peers, barons, and others of the commonalty of the said realm assembled in parliament, to determine in this matter according to reason and justice, having only God before their eyes; and by an unanimous consent they have sentenced him to death, as guilty of high treason.

When, in the 50th year of Edward III. the lords had pronounced the sentence against Richard Lions otherwise than the commons agreed, they appealed to the king, and had redress, and the sentence entered to their desires.

When, in the first year of King Richard the Second, William Weston, and John

Jennings, were arraigned in parliament for surrendering certain forts of the king's, the commons were parties to the sentence against them given, as appeareth by a memorandum annexed to that record. In the first of Henry the Fourth, although the commons refer, by protestation, the pronouncing of the sentence of deposition against King Richard the Second unto the Lords, yet are they equally interested in it, as appeareth by the record: For there are made proctors, or commissioners for the whole parliament, one bishop, one abbot, one earl, one baron, and two knights (Gray and Erpingham) for the commons. And to infer that because the lords pronounced the sentence, the point of judgment should be only theirs, were as absurd as to conclude that no authority was vested in any other commissioner of *oyer* and *terminer*, than in the person of that man only that speaketh the sentence.

In the Second of Henry V. the petition of the commons importeth no less than a right they had to act and assent to all things in parliament; and so it is answered by the king. And had not the adjourned roll of the higher house been left to the sole entry of the clerk of the upper house, (who, either out of neglect to observe due form, or on set purpose to obscure the commons right, and to flatter the power of those who he immediately served, omitted them,) there would have been frequent examples of all times to clear this doubt, and to preserve a just interest to the common-wealth. And how conveniently it suits with monarchy to maintain this form, lest others of that well-framed body, knit under one head, should swell too great and monstrous, may be seen with half an eye; it being (in my opinion) at least equally liable to suffer a-fresh under an aristocracy as a democracy.

Sir,

I am

Your most humble servant,

H. S.

Summus Angliæ Seneschallus: or, A Survey of the Lord High-Steward of England, his Office, Dignity, and Jurisdiction; particularly the Manner of Arraigning a Peer indicted of Treason or Felony. In a Letter to the Lords in the Tower, with Resolutions to certain Queries made by their Lordships, relating to trayterous and seditious Practices. Written at their Lordships Request.

Funesta Securis, Regni Securitas.

Printed in the Year 1680.

The five popish lords committed to the Tower on account of the popish plot, were for some time sheltered, as is noticed in the introduction to the last tract, by the difficulty of finding and adjusting a formulary. The lords had addressed the king to nominate a lord high steward to proceed in the trial, but the commons, deeming this formality unnecessary, proposed that a committee of both houses should be appointed "to consider of the most proper ways and methods for proceeding upon impeachment." This occasioned a sharp debate between the houses; "and thus," says Roger North, "the whole session was spent *re infecta*. The scaffolds in West-

minster Hall were prepared and stood useless, or rather a nuisance, many terms, to the shortening the promenade of the lawyers, and severe oppression of the shops." Examen. p. 217.
The author of the following tract, among others, seems to have been willing to clear up the scruples of the house of lords, with what intentions towards the accused peers the motto he has chosen sufficiently indicates.

The Nature of the Office of a Lord High-Steward, &c.

My Lords,

I SHALL not entertain your lordships with any preliminary discourse, but presently let you into the main building. As the royal power and sovereignty of the king of England is a repleat compacted body, and impartible, even so the attributes thereof are (as jurists speak) so indivisible in themselves, naturally and intrinsically inherent in the crown, that they cannot be made away, or so communicated to the subject, as to divest himself of them, to the lessening sovereign majesty; yet by trust, and delegate power, the execution may be transferred to others, to ease him of a troublesome burthen.

Now among those several ministers, or officers of law, that are by his most excellent majesty substituted to ease him of labour, (but not to deprive him of power) the Lord High-Steward of England is one of the first magnitude; the nature of whose office will the better be comprehended by your lordships, if you vouchsafe to consider the particulars following:

1. The etymology of the words, *Steward* and *Seneschallus.*
2. His lordship's stile, and the antiquity of his office.
3. How this great office was formerly holden, and how at this time.
4. The extent of his jurisdiction and power, and the rules he ought to judge by.
5. The order and manner of arraigning a peer of the realm before this great officer.

For the derivation of the words steward and seneschallus, some say that the first is derived from *stewe, i. e.* a place, and *ward,* which signifieth a keeper, warden, or governor. Cok. Litt. 61. a.

Others say that it comes from *steda,* a Saxon word, which signifies a place also, and *ward,* as it were the keeper or governor of that place: 'Tis a word diversly used in this kingdom; in the first acception, 'tis taken for the lord high-steward, out of which magistracy lower offices have their rise; *Seneschal de l'Hostel de Roy,* the steward of the king's most honourable household, *anno* 21. *H.* 8 *c.* 13. whose title was changed to that of great master, *anno* 32. *H.* 8. *c.* 39; but this state was repealed by that of 1 *Mar.* 2 *Parl. c.* 4, and the office of the lord steward revived. Lib. 9 *Le Counter de Sulop's Case.* 48 b. *Plomd. Com. f.* 152.

There is also a steward of the Marshalsea, *anno* 33. *H.* 8. *c.* 12. and likewise a steward of a manor, whom Fleta fully describes. To be short, this word is of so great diversity, that there is no corporation of any account, or house of any honour, through the realm, but it shall have an officer belonging to it of this name. Lib. 2. c. 71.

But I proceed to the word seneschallus. *Minshæus,*

Seneschal is a French word, the Italians call it *Seniscalco, dict. a Schalk, i. e. Servus aut Officialis et gresind, i. e. Familia;* but here 'tis taken for the high-steward of England.

Some derive it of *sein,* a house or place, and *schale,* an officer; others say *sen* is an ancient word for justice, so that most naturally it signifies *Officiarius Justitiæ,* and this agreeth well with his authority and duty, to proceed *Secundum Leges et consuetudines Angliæ.*

In the next place, I am to consider his lordships stile, which in Latin is *Seneschal-*

lus Angliæ, and his court is intitled, *Placita Coronæ coram Seneschallo Angliæ;* and when he sitteth by force of his office, he sitteth under a cloth of state, and such as
Co. 4. Inst. 59. direct themselves to him, say, Please your grace, my lord high-steward of England.

As to the antiquity of the office, 'tis very ancient, and was before the conquest: For Sir Edward Coke tells us, that he himself hath read an authentical manuscript, intitled, *Authoritas Seneschalli Angliæ;* which, putting an example of his authority, saith, *Sicut accidit Godwino, Comiti Kanciæ, tempore Regis Edwardi, Antecessoris Willielmi Ducis Normandiæ, pro hujusmodi male gestis, et consiliis suis, per Seneschallum Angliæ adjudicatus, et foris fecit Comitivam suam.* In the time of William the Conqueror, William Fitz-Eustace was steward of England.

Next come we to consider how this great office was formerly holden, and how at this time.

This magistracy was formerly of inheritance, and belonged to the earldome of Leicester, as appeareth by a record produced by Sir Edward Coke; *Seneschalcia Angliæ pertinet ad Comitivam de Leicester, et pertinuit ab antiquo.*

Other records testify, that it belonged to the barony of Hinckley, and my Lord Coke tells us, that in the reign of William Rufus, and Henry I. Hugh Grantsemenel, baron of Hinckley, held that barony by the said office; so that there seems a diversity between these records, but we shall reconcile it thus: Hinckley was parcel of the possessions of the Earl of Leicester, for Robert Bellemont, Earl of Leicester, in the reign of Henry II. married with Petronel, daughter and heir of the said Hugh Grantsemenel, baron of Hinckley, and lord steward of England, and so it continued, till by the forfeiture of Simon Montford it came to King Henry III. who, in the fiftieth year of his reign, created Edmond, his second son, Earl of Leicester, Baron of Hinckley, and High-Steward of England, which continued in his line, until Henry of Bullinbrook, son and heir of John of Gaunt, Duke of Lancaster, who was the last that had any estate of inheritance in the office of the steward of England.

Since the time of Henry of Bullingbrook, this great office was never granted to any subject, but only *hac vice;* and the reason was, for that the power of this officer is so transcendent, that it was not holden fit to be in any subjects hands; for a record saith, *Et sciendum est quod ejus officium est supervidere et regnare sub Rege, et immediate post Regem totum Regnum Angliæ, et omnes Ministros Legum infra idem Regnum, temporibus pacis et guerrarum, &c.* and proceedeth particularly with divers high powers and authorities.

Ephori *Magistratus quidam Lacedemoniorum oppositi Regibus, qui inspicielant ea quæ ad Republ. pertinebant.*

It is a place of that transcendency and heighth, that it might in some sort match the *Ephori* among the Lacedemonians: The custom of our commonwealth hath, upon great consideration and policy, brought it to pass, that this officer is of no great duration, but only for the dispatch of some special business, as the arraigning of some nobleman in case of treason, &c. which once ended, his commission expireth, so that we may describe him thus: *Magistratus est excelsus, qui pro uno die, a Rege ordinatur, cum aliquis ex Proceribus Regni in Judicium vocatur de noxa Capitali.*

Now we are to take a prospect of the extent of his lordship's jurisdiction and power, and the rules he ought to judge by.

Although the power and authority of the lord high-steward hath been since the reign of King Henry IV. but *hac vice*, yet is the *hoc vice* limited and appointed; as when a lord of parliament is indicted of treason or felony, then the grant of this office, under the great seal of England, is to a lord of parliament, reciting the indictment, *Nos considerantes quod Justitia est virtus Excellens, et Altissimo complacens, eaque præ omnibus uti volentes, a pro eo quod Officium Seneschalli Angliæ, cujus præsentia pro administratione Justitiæ, et Executione ejusdem in hac parte faciend. Requiritur, ut acceppimus jam valeat, de fidelitate Strenuitate, provida Circumspectione et Industria Vestris plurimum confidentis; Ordinavimus et Constituimus Vos ex hac causa*

et causis Seneschallum Nostrum Angliæ ad Officium illud cum omnibus eidem Officio in hac parte debitis, et pertinentibus hac vice gerend accipiend. et exercend. Dantes et concedentes vobis tenore præsentium plenam et sufficientem Potestatem et Authoritatem ac Mandatum speciale Indictamentum prædict. &c. so that this great officer is wholly restrained to proceed only upon the recited indictment.

At every coronation he hath a commission under the great seal, *hac vice*, to hear and determine the claims for grand serjeanties, and other honourable services, to be done at the coronation, for the solemnizing thereof, for which purpose he holds his court some convenient time before the coronation. Cok's Litt. 79. a. b. 4 Inst. 59.

The first person that was created *hac vice* for solemnizing the coronation of Henry IV. was Thomas, his second son; and, upon the arraignment of Thomas Holland, Earl of Huntingdon, the first that was created Steward of England, *hac vice*, was Edward Earl of Devon.

Lastly, The order and manner of arraigning a peer of the realm before this great officer is to be considered.

As the peers of the realm, who are tryers, are not sworn, so the lord high-steward, being judge, is not sworn likewise, yet ought he to proceed according to his letters-patents, *Secundum Legem et consuetudinem Angliæ:* For all commissions and charters for execution of justice, are *facturi quod ad Justitiam pertinet, secundum Legem et consuetudinem Angliæ.* Co. Litt. 142. a. Inst. f. 60.

But admit the commission should be, *Secundum sanas Discretiones vestras:* How then?

I answer, *Discretio est discernere per Legem quid sit Justum;* that is, to discern by the right line of law, and not the warpt measure of private opinion: *Si a Jure discedas, vagus eris, et erunt omnia incerta:* 'tis certain, he that out-runs the law, hastens to his own destruction. Commissions then that authorise proceeding *secundum sanas discretiones*, &c. in sense are *secundum Legem*, &c.

The Earl of Huntingdon was indicted of high treason in London, by a commission before the mayor and justices, for that he, with other persons, agreed to go a mumming (which the French call masquerade) on the night of Epiphany, in which they intended to kill the king, then at Windsor; and after the king granted a commission to the Earl of Derby, reciting, that whereas George Earl of Huntingdon was indicted of high treason, and that he would that right should be done; and, because the office of the steward of England is now void, he grants it to the said Earl of Derby, to do justice to the said Earl of Huntingdon, commanding, by the same commission, all the lords to be attendant upon him; and precept was likewise given by the same to the constable of the Tower to be attendant on him, and to bring the prisoner, viz. the Earl of Huntingdon, before the said Earl of Derby on the day appointed; whereupon the Earl of Derby the same day sat in Westminster-Hall, under a cloth of state by himself, and the Earl of Westmoreland and the other earls and barons sat at a considerable distance, and all the justices and barons of the exchequer sat round a table, and after three *O Yes's* made, and the commission read, the justices delivered the indictment to the lord steward, which was delivered to the clerk of the crown, who read it to the said Earl of Huntingdon, which he confessed. Whereupon Hill, the king's serjeant, prayed judgment, which the lord steward (after he had rehearsed the whole matter) pronounced in this manner: That the Earl of Huntingdon should be taken back to the Tower of London, and from thence be drawn to the gallows, and there hanged, and, being yet alive, cut down, and his intrails drawn out of his body and burnt; and that he should be beheaded and quartered, *Et sic Deus propitiatur Animæ suæ.* 1 H. 4. f. 1. 2.

The justices then said, That if the Earl of Huntingdon had denyed the treason, the lord steward should have demanded of every lord in open court, what they thought in

their consciences, beginning with the puisny lord; and if the greater number said *guilty*, then the judgment to be given as above.

I refer your lordships to Cambden's Annals of Queen Elizabeth for the manner of the tryal of Thomas Howard, Duke of Norfolk, before George Talbot, Earl of Shrewsbury, lord high-steward upon that occasion.

Sir Edward Coke describes the manner how a peer is to be tryed in case of treason, &c. before the lord high-steward of England.

He must be indicted before commissioners of oyer and terminer, or in the King's Bench, if the treason or misprision, felony or misprision of felony, be committed in that county where the King's-Bench sit. When he is indicted, then the king, by his commission under the great seal of England, constitutes some peer of the realm to be, *hac vice*, steward of England, who is judge in this case. The commission recites the judgment generally as 'tis found, and power given to the lord steward to receive the indictment, &c, and to proceed *secundum Legem et consuetudinem Angliæ*. A commandment is also given by the same to the peers of the realm to be attendant and obedient unto him, as also to the lieutenant of the Tower, to bring the prisoner before his lordship.

Then a *Certiorari* is awarded out of Chancery, to remove the indictment itself before the lord steward, which may either bear date the same day of the steward's commission, or any day after. The lord steward directs his precept under his seal to the commissioners, to certify the indictment such a day and place: he also makes two other precepts, one to the constable or lieutenant of the Tower, to bring the body of the prisoner before him at such a day and place; as also to a serjeant at arms to summon, *Tot et tales Dominos, Magnates, et Proceres hujus Regni Angliæ prædicti R. Comitis E. Pares, per quos rei veritas melius sciri poterit, quod ipsi personaliter compareant coram prædict. Seneschallo apud Westm. tali die et hora ad faciend. ea quæ ex parte Domini Regis forent facienda*, &c.

In this summons four things are observable:

1. That all these precepts most commonly bear date in one day.
2. That no number of peers are named in the precept, and yet there must be twelve, or above.
3. That the precept is awarded for the return of the peers, before any arraignment or plea pleaded by the prisoner.
4. That the lords are not *de Vicineto*, and therefore the sitting and tryal may be in any county of England.

At the day, the lord high-steward, with six serjeants at arms before him, takes his place under a cloth of state, and then the clerk of the crown delivers to him his commission, who re-delivers it. After three O Yes's by a serjeant at arms, and command given in the name of the lord high-steward of England to keep silence, the commission is read; then the usher delivers to the steward a white rod, who re-delivers the same, which he holds before the lord high-steward. It was delivered, upon the like occasion, to the Earl of Shrewsbury, by garter king at arms.

O Yes being again made, command is given in the name of the high-steward to all justices and commissioners, to certify all indictments and records; which being delivered into court, the clerk of the crown reads the return, and the serjeant at arms is commanded to return his precept, with the names of the earls and barons by him summoned, and the return of that is also read; then are the peers summoned to answer to their names, which are recorded.

When they have taken their places, and the prisoner set to the bar, then the lord high-steward declares unto them the cause of their assembly, and persuades the prisoner to answer without fear, assuring him that he shall be heard with patience, and that justice shall be done to him.

After this the clerk of the crown reads the indictment, and proceeds to the arraignment of the prisoner; and, if he plead Not Guilty, the entry is, *Et de hoc de bono et malo ponit se super pares suos*, &c. After which the lord high-steward gives a charge to the peers, exhorting them to try the prisoner indifferently, according to their evidence, which is opened by the king's learned counsel, who produce their proofs for the king against the prisoner. Some, or all of the judges, are ever attendant upon the lord high-steward, and take their places at the feet of the peers.

After the evidence is given for the king, and the prisoner's defence made, he is withdrawn from the bar under the custody of the lieutenant, whilst the tryers go to some place to consider of their evidence; upon debate of which, if they doubt of any matter, they cannot send to the high-steward to ask the judges any questions of law, but in the hearing of the prisoner, that he may know whether the case be rightly put, for, *de facto jus Oritur;* neither can they send for the judges to know their opinion, but the high steward ought to demand it in court in the presence of the prisoner.

When the lords are agreed they return into court, and the lord high-steward publickly, in open court, beginning with the puisny lord, says unto him, My lord A., is W. V. S. guilty of the treasons whereof he hath been indicted and arraigned, or any of them? And the lord standing up, says, Guilty, or Not Guilty; and so upward of the rest *seriatim.*

The peers having given their verdict in the absence of the prisoner, the prisoner is brought to the bar, whom the lord high-steward acquaints with the verdict of his peers, and gives judgment accordingly, either of condemnation or acquittal.

After the service is performed, and O Yes made for dissolving the commission, the white rod is taken by the lord high-steward in both his hands, and broken in pieces.

Thus have I presented to your lordships a scheme of that solemn order and manner how a peer of the realm is arraigned before the lord high-steward of England. I might amass several presidents of like nature, wherein the ax of death is borne before the prisoner, with the edge from him; and after being found guilty, with the edge to him. I wish your lordships may never know more of this point by a fatal experience.

Now it remains that I give solutions to those queries your lordships were pleased to put concerning tryals, treasons, &c.; by which I wish you may arrive at some reasonable satisfaction.

QUERY I.

How antient this Tryal by Peers may be?

SOLUTION.

Without doubt 'tis cœtaneous with the office of the lord high-steward, and how old that is hath been already shewn. However, I shall present one authority, which proves that trial by the peerage was in use in the reign of William the Conqueror, who, in the beginning of his reign, created William Fitz-Osborne, (Earl of Betrevil in Normandy) Earl of Hereford. His son Roger succeeded him, and was Earl of Hereford, who, under colour of his sister's marriage, near New-Market, in Cambridgeshire, where many of the nobility were assembled, conspired with them to receive the Danes into England, and depose William the Conqueror (who was then in Normandy) from his kingdom of England; to effect which, he with others rose. This treason was revealed by Walter, Earl of Huntingdon, who was one of the conspirators, and son to the great Syward, Earl of Northumberland; for which treason, Roger, Earl of Hereford, was apprehended by Urse Tiptof, then sheriff of Worcestershire, and after tryed by his peers, and found guilty of the treason, *per Judicium Parium suorum.* But he ended his days in prison. A. 8. W. 1.

QUERY II.

Whether a Peer can wave his Tryal by Peers?

SOLUTION.

3 Inst. 30. He cannot wave his peers, and put himself upon the tryal of twelve freeholders, for the stat. of Mag. Chart. is, that he must be tryed by his peers; and so it was resolved 26 Hen. 8. in the Lord Dacre's case.

QUERY III.

What Lords shall be tryed by Peers, in Cases of Treason, &c.?

SOLUTION.

Every lord of parliament that hath voice therein, and called thereto by the king's writ, shall not be tryed by peers, but only such as sit *Patrone Nobilitatis*, as dukes, marquisses, earls, viscounts, and barons, and not such as are lords of parliament, by reason of their baronies which they hold in right of the church, as arch-bishops and bishops of this realm; for though they be lords of parliament, yet, upon an impeachment either of treason or felony, they shall not be tryed by the peers of the realm, but by a jury of knights, and other substantial persons upon their oaths; and one reason alledged by some, (how truly let others judge) is, forasmuch as arch-bishops and bishops cannot pass in like cases upon the tryal of any other of the peers, their lordships being prohibited by the common and ecclesiastical laws to be judges of life and death; and this trial ought to be mutual, since the performance of it is upon their honours, without any oath taken.

And here, by the way, your lordships may take notice, how great regard the law hath to the word of a peer, when spoken upon his honour. I need say no more upon this topic, since your lordships, in that excellent poem, A Paradox against Liberty, have expressed your thoughts so extremely well.

No temporal lord, but only lords of parliament, shall have this kind of tryal, and therefore the eldest son and heir-apparent of a duke, in the life of his father, though he be called an earl, is excluded; and this was the case of Henry Howard, Earl of Surry, son and heir-apparent of Thomas Duke of Suffolk, in the 38. of Henry VIII. Likewise the son and heir-apparent of an earl, though he be called lord or baron, and all the younger sons of kings are earls by birth, though they have no other creation, yet shall not they be partakers of this, or other privileges, incident to lords of parliament.

Cok. Litt. 16. b. 3. Inst. f. 30. 2 Inst. f. 48. Those that are barons of Ireland, or Scotland, committing treason, &c. in England, shall not have their tryal by peers, though they were born in England, for they receive their dignity from a king of their nations.

Co. L. 7. Calvin's Case. If a duke, or other nobleman of France, Spain, &c. comes into England by the king's safe conduct, in which the king stiles him duke according to his creation, nevertheless in all proceedings in the king's courts he shall not be stiled by his name of dignity, much less a partaker of the privilege of this tryal by peers.

But if the King of England at this day create one of his subjects of Scotland to be viscount within England, or, by ordinary summons under his great seal, call him to the upper house of parliament, and assign him a place and to vote there in his great council, he shall be thereby a peer of this realm, and enjoy all their privileges.

QUERY IV.

What Witnesses are required in Indictments and Tryals of Treason, or Misprision of Treason?

SOLUTION.

By the antient common law, one witness or accuser was not sufficient to convict any person of high-treason; for, in that case, it was to be tryed before the constable and marshal by combat, but they have no jurisdiction to hold plea of any thing which may be determined by common law; and that two witnesses are requisite appears by the books of law, and the common law herein is grounded upon the law of God, expressed both in the Old and New Testament, Deut. 17. v. 6., Numb. 35. v. 30., Deut. 19. v. 15., Matth. 18. v. 16., 2 Cor. 13. v. 1.; and this seemeth more clear in the tryal by peers, because they come not *de aliquo Vicineto,* whereby they may take notice of the fact, in respect of vicinity, as other jurors may do. By the state of 1 E. 6. c. 12. none shall be indicted, arraigned, condemned, convicted for any treason, &c. for which the offenders shall suffer pains of death, imprisonment, loss or forfeiture of his goods, chattels, lands, or tenements, unless he be accused by two sufficient and lawful witnesses, or shall willingly, without violence, confess the fact. The same provision is made by 5. E. 6.; wherein I must observe to your lordships, that two lawful accusers, in this act, are taken for two lawful witnesses; for by two lawful accusers, and accused by two lawful witnesses, (as 'tis in 1 E. 6.) are indentical: which word (accusers) was used, because two witnesses ought directly to accuse, that is, charge the prisoner, for the common law respects none else; and, therefore, lawful accusers must be such as are allowed by laws.

Mira. cap. 3. Ordin. de Attaint. Brad. L. 5 f. 354. 45 Ld. 3. 30. 35 H. 6. 46. Fortescue c. 32.

And thus it was resolved by the justices in the case of the Lord Lumley; for if they should not be taken, according to the meaning aforesaid, then there must be two accusers, by 5 E. 6, and two witnesses, by 1 E. 6, and the strong conceit in 2 Mar. that one may be an accuser by hear-say, was utterly denied in Lord Lumley's case.

Hill. 14. El. Dyer f. 99. W Thomas his case.

And here, since your lordships did not make it a query, I shall not so strictly consider it, whether the testimony of a foreigner may be admitted in case of treason. The Duke of Norfolk at his arraignment said, that nothing which was yet produced was of any moment against him, save only the Bishop of Ross his testimony; and that (by opinion of Bracton) was not to be admitted, because he was a foreigner; to which Callin, lord chief justice, answered, that, in such causes as this, the testimony of foreigners is of force, and it lies in the peers to attribute to, or derogate from such testimony as they shall think fit.

Camb. El. A 1572.

Where Bracton saith, that an alien born cannot be a witness, it is to be understood of an alien infidel; for the Bishop of Ross being a Scot born, was admitted to be a witness, and sworn 14 El. by opinion of all the justices assistants.

If a person be accused by one witness touching one fact, and by another concerning another fact, the one committed in Middlesex, the other in Surry, he that swears the fact done in London, joined to the other witness that swears to the fact done in Surry, shall be esteemed two sufficient witnesses in case of treason; and so was it ruled by the judges at the Old-Bailey, upon the trial of the five jesuits, (Whitebread, Harcourt, Turner, Fenwick, and Gaven,) according to the resolution in Sir H. Vane's case, at the King's-B. bar, where one witness proved the levying war in one county, and the other proved the levying war in another county, and so though they were but single witnesses of single facts, yet both coming up to the indictment, they were adjudged two sufficient witnesses to maintain it.

QUERY V.

Whether a Nobleman being arraigned, can challenge his Peers?

SOLUTION.

Cok's Litt. 156. b. If the party arraigned (says Coke) be a lord of parliament, and a peer of the realm, and is to be tried by his peers, he shall not challenge any of them, for they are not sworn as other jurors be, but find the party guilty, or not guilty, upon their faith, or allegiance, to the king; and there are judges of the fact, and every of them doth separately give his judgment, beginning at the lowest.

Cok's Litt. 294. a. Again, he tells us, that the four knights, electors of the grand assize, are not to be challenged; for that in law they be judges to that purpose, and judges cannot be challenged; and that is the reason why noblemen cannot be challenged, for Magna Charta saith, *Per judicium parium suorum*, and not *veredictum*.

Cap. 29. When the peers (that were to be tryers at the arraignment of the Earls of Essex and Southampton) were called by name, the Earl of Essex demanded whether it were not lawful for them (as the use is to private men) to except against some of their peers? The judges answered, that such was the credit and estimation of the peers of England, that they are neither compelled to an oath in arraignments, nor subjected to exceptions.

Camb. Eliz. A. 1601.

QUERY VI.

Whether the Lord High-Steward can collect the Evidence against the Prisoner, or confer with the Lords touching the same, in the Prisoner's Absence?

SOLUTION.

To this I answer negatively; for after the king's learned counsel have produced all their evidence, the prisoner ought to be present at all the conferences touching the same; and therefore it shall be necessary for all prisoners, after evidence given against them, before departure from the bar, to require justice of the lord high-steward, and of the other lords; and that no question be demanded, or conference had by any with the lords, but in open court in their own hearing, otherwise such prisoners shall take no advantage thereof after verdict and judgment given.

QUERY VII.

If the Lords be equally divided, between Guilty and not Guilty, whether the Party tryed shall be acquitted or condemned?

SOLUTION.

In an information in the court of Star-Chamber by the attorney, against Sir Stephen Proctor and others, for conspiracy against and scandal of the Earl of Northampton and Edward Lord Wootten, two of his majesty's most honourable privy council; at the hearing of which cause there sat eight in court, whereof four condemned the defendants, and the other four (viz.) the lord chancellor, two bishops, and the chancellor of the exchequer, acquitted them; the question was, according as your lordships have proposed it, whether the defendants should be condemned or not: and here it was moved by the king's learned counsel, that when the voices are equal, that in case of which part the lord chancellor was, on that side it should be determined, without regard either to plaintiff or defendant: And it was resolved, that regularly and *de communi jure*, in respect of the equality of voices, that no sentence could be given as it holdeth in the high court of parliament, and all other courts, according to the old rule, *paribus sententiis reus absolvitur:* And sentence was never given against Sir Stephen Proctor, agreeable to the general rule in other courts. In this point the civil law concurs with the common. *Inter pares numero judicis si dissonæ sententiæ proferantur, in*

Co. 4. Inst. f. 64.

liberalibus quidem causis (secundum quod a divo pio constitutum est) pro libertate statutum obtinet, in aliis autem (causis pro reo, quod et in judiciis publiciis, obtinere oportet. Vide Grot. lib 2. c. 5. nu. 18. de Jure Belli, &c.

Reus sententiis paribus absolvitur, et semper quicquid dubium est, humanitas milinat in melius.

Alter judex damnat, alter absolvit, et inter dispares sententias milior viniat.

I shall here take leave to make a little digression from the query, and consider if a person that is forth-coming can by parliament be attainted of high-treason, and never called to answer? This seems as much worth the inquiry as other your lordships queries; and though omitted by you, I shall not let it pass without some notice.

By the 2 of Henry 6, we find a great peer condemned without arraignment, or answer; the like in 32 Henry 8, one attainted (though living and forth-coming) of high treason, without ever being called to judgment: The legality whereof was scrupled, and demanded of the judges, whether the act were void or not? with some pause they adjudged it perillous and of bad example to the inferior courts; but it was agreed, if condemned by parliament, to be indisputable, cap. 29. 5 E. 3. c. 9., 28 E. 3. c. 5. of Magna Charta affirms, that no man ought to be condemned without answer, without a *quid fecisti?* and all due proceedings at law. *Qui statuit aliquid parte inaudita altera, licet æquum statuerit haud æquus fuerit.* Co. 4. Inst. f. 37, 38. Senec. in Loco.

With the municipal laws agree those of the Romans.

Divi severi et Antonini Magni rescriptum est, ne quis absens primatur, et hoc jure utimur, ne absentes damnentur, neque enim inaudita causa quenquam damnari æquitatis ratio patitur. It is not the manner of the Romans to deliver any man to death before the accused have his accusers face to face, and license to answer for himself. D. 48. 17. Acts 25. v. 16.

QUERY VIII.

Whether the King, and one of the Houses alone, or both without the King, can declare a Treason within the Stat. of 25 E. 3. cap. 2?

SOLUTION.

John Duke of Groyen and Lancaster, Steward of England, and Thomas Duke of Gloucester, Constable of England, the king's uncles, complained to the king, that Thomas Talbot, knight, with others his adherents, conspired the death of the said dukes, as the same was confessed and well known, and prayed that the parliament might judge of the fault, (which petition was just, and according to the branch of the stat. of 25 E. 3.) but the record saith further, that the king and lords in parliament adjudged the same fact to be high-treason, which judgment, wanting the assent of the commons, was no declaration within the said stat. which is attended with this restriction:—

That if any other case, supposed to be treason, should happen before any justices, the justices should tarry without going to judgment of the treason, till the case be shewed before the king and his parliament, (consisting of lords spiritual and temporal, and the commons,) whether it ought to be adjudged treason or felony.

QUERY IX.

Whether the Subjects of another Prince, confederate with the King of England, can be held for the King's Enemies?

SOLUTION.

It was objected against the D. of Norfolk, concerning his relieving of the Scots, the queen's enemies, which was proved by letters, and Bannister's confession, &c. whereupon the duke asked the judges, whether the subjects of another prince, confederate with the Queen of England, were to be holden for the queen's enemies? Callin, chief Camb. Eliz. A. 1572.

justice, answered, that they were, and that the Queen of England might make war with any Duke of France, and yet in the interim keep peace with the French King. And here it is to be noted, that the judges ought not to deliver their opinions before-hand, in any criminal case that may come before them judicially. In the case of Humphrey Stafford, that arch-traytor Hussey, chief justice, besought King Henry VII. that he would not desire to know their opinions before-hand for him, for they thought it should come before them in the King's-Bench judicially, and then they would do that which of right they ought, which the king approved of, besides the nature of their oath requires it, who are sworn that they shall well and lawfully serve our sovereign lord and king and his people, in the office of a justice, and that they shall do equal law and execution of right to all his subjects.

QUERY X.

Whether an Attainder of Treason may be falsified by the Plea of the Party?

SOLUTION.

A. 1. *Mar.* A commission of oyer and terminer in London, was directed to Sir Thomas White, lord-mayor, and to divers others, reciting, that where Sir Robert Dudley, knight, 9 Jan. 1 Mar. was indicted of high treason before Thomas Duke of Norfolk, and fourteen other commissioners in the county of Norfolk, (where in truth the commission was directed to so many, but the indictment was taken before eight of them only,) granting to them, or any four of them, authority to receive the indictment taken before fifteen commissioners, and to proceed thereupon as special justices of oyer and terminer; by pretext whereof they proceeded, and upon confession of the said Sir Robert Dudley, gave judgment against him.

In this case it was adjudged, that Sir Robert Dudley, then Earl of Leicester, might falsify the said attainder by plea, because it was void, and *coram non judice;* for that the latter commissioners had not power to proceed upon an indictment taken before eight, but before fifteen, and so void. The party is not driven to his writ of error, but may falsify the attainder by plea, shewing the special matter, which proveth it void *ut supra.* In which case the party forfeiteth neither lands nor goods.

It is holden by some, that if a person be attainted of high treason by the common law, that no writ of error should be brought for the reversal of that attainder, by reason of these words in the statute 33 Hen. 8. cap. 20. And if any person or persons shall be attainted of high treason by the course of the common law, &c. "That every such attainder by the common law shall be of as good strength, value, force, and effect, as if it had been done by authority of parliament." But the contrary hereof was resolved at a parliament holden *A.* 25 Elizabeth, that a writ of error should be maintained for the reversal of erroneous attainders of high treason by the common law; for that former stat. is to be intended of lawful attainders, and not where there is any error in the same; for, by that of the queen, it is provided, "That no record of attainder of any person or persons, of or for any high treason, where the party so attainted is or hath been executed for the same, shall be, &c. in any wise hereafter reversed, undone, avoided, or impeached, by any plea, or for any error whatsoever."

QUERY XI.

Whether Torture, in Case of Treason or Felony, may be used by our Law?

SOLUTION.

Sir John Fortescue, Chief Justice of England, who wrote in commendation of our common laws, preferreth the same for government before the civil law; and particularly, that all tortures were against the common law expressly; and he proceeds to

shew the inconveniencies and mischiefs thereof, by fearful examples, to which learned author I refer your lordships.

It is against Magna Charta, which says, *Nullus liber homo capiatur, vel imprisonetur, &c. aut aliquo modo destruatur, nec super eum ibimus nec super eum mittemus nisi per legale judicium parium suerum vel per legem terræ.* And accordingly all the ancient authors are against the inflicting pains and tortures upon prisoners, before or after attainder, but such as answer the judgment. Cap. 22 Cap. 29. Co. 3. Inst. f. 35.

John Holland, Earl of Huntingdon, was by King H. VI. created Duke of Exeter, and, A. 26. H. VI. the king granted to him the office of the constableship of the Tower of London. He and William de la Poole, Duke of Suffolk, with some others, intended to have brought in the civil laws; and, for a beginning of the same, the Duke of Exeter first brought into the Tower the rack, or brake, allowed in many cases by the civil law, and for that reason it was called the Duke of Exeter's daughter.

QUERY XII

Whether the King, under the Great Seal, may command all Process in Criminal Causes to cease?

SOLUTION.

We find, says Coke, a discharge of further proceeding, directed to the judges of the court, &c. (not by way of pardoning the offence) but by the king's acknowledgment, under the great seal, of the party's innocence, with commandment to the judges, that in the former proceedings they shall altogether surcease; whereupon the court will award, that the party shall go *sine die*, and that there shall be no further proceedings against him. William de Melton, Archbishop of York, was accused in the King's Bench, *coram rege et concilio suo in anno* 3. Ed. III. for adherency to Edmund Earl of Kent in his treasons, whereunto the archbishop pleaded Not Guilty; and after two writs of *venire facias* awarded, the king directed his writ under the great seal to the judges of the King's-Bench, to this effect:

Licet Venerabilis Pater Willielmus Archiepiscopus Ebor. Stephanus London Episcopus per Diversa Brevia Nostra coram Nobis ad sectam Nostram Implacitentur de eo, quod ipsi Edmundo Comiti Cantiæ adhæsisse debuerant, quia tamen prædict. Archiepiscopus et Episcopus de adhæsione prædicta omnino Immunes reputamus, Vobis Mandamus quod Placitis prædictis coram Nobis ulterius tenend. omnino supersedeatis Teste meipso, &c. The award of the court hereupon is very observable, viz. *Cujus Brevis prætextu, consideratum est, quod prædictus Archiepiscopus eat inde sine die, &c. et ulterius non procedatur versus eum.*

Stephen Gravesend, Bishop of London, was charged with the same offence in parliament, A 3 E. 3. whence, by order of parliament, he was referred to the King's-Bench to be tryed, where he pleaded Not Guilty, and after was discharged, as the archbishop. It may be thought, that accepting the pardon might be an implication of their fault, and therefore it run in a new strain; but no man that is well advised, says the great oracle of the law, will refuse God's, or the king's, pardon; for in the king's displeasure there is death, says the holy writ; and who knows how often he offends, and consequently stands in need of it. But how far this branch of the prerogative may be extended, and what qualifications it may admit, belongs not to a private man to determine. Pasch. 4. E. 3, Rot. 5. 3.

QUERY XIII.

Whether a Person can be attainted of High Treason by general Words?

SOLUTION.

Where, by due course of law, a man cannot be attainted of high treason, unless the law fore-judge the offence such, he ought not to be attainted by general words by authority of parliament, as sometime hath been used, but the treason ought to be specially expressed, seeing that the court of parliament is the highest and most honourable court of justice, and ought to give example to the inferior, *Magnis Exemplis quam præceptis ducimur.*

QUERY XIV.

Whether a Subject of one Kingdom guilty of Treason, flying into another Kingdom, ought to be remitted to his own Sovereign?

SOLUTION.

It is holden, and so it hath been resolved, that divided kingdoms, under several kings in league one with another, are sanctuaries for servants, or subjects, flying for safety, and upon demand, are not by the laws and liberties of kingdoms to be delivered; and this opinion seems grounded upon the law in Deut. c. 23. v. 15. "Thou shalt not deliver unto his master the servant which escaped from his master unto thee."

Camb. El. 1564. When the Lords Paget and Arundel came into France, Sir Edward Stafford, Queen Elizabeth's ambassador there, diligently observed them, yet could by no means discover what they attempted; he desired nevertheless of the French king, that they, with Morgan and other English, who were practising against their prince and country, might be removed out of France: To which he received this answer, "That if they attempted any thing in France, the king would punish them according to law; that all kingdoms were free for fugitives; and that it was the great concernment of kings to maintain every one the privileges of his own kingdom; that Queen Elizabeth had not long since received into her kingdom Montgomery, the Prince of Conde, and others of the French nation; and that Sagury, the King of Navarr's embassador, was in England at this very time, practising to move new troubles against the French king."

King Henry Eight, in the 28th year of his reign, being in league with the French king, and in enmity with the pope, who was in league likewise with France, and had sent Cardinal Poole, embassador to the French king, of whom King Henry Eight demanded the said cardinal, being his subject and attainted of treason, and to that end caused a treatise to be published, that it ought to be done *Jure Gentium, sed non præcaluit.*

Ferdinando, King of Spain, upon request made by Henry Seventh, to have Edmond de la Poole, Earl of Suffolk, attainted of high treason, by parliament, A. 19. Henry Seventh, at first intending to observe the privilege and liberty of kings, in protecting such as came to him for succour and protection, delivered him not; yet in the end, upon the earnest request of the king, and his promise not to put him to death, he caused the said earl to be delivered up to the king, who kept him in prison, and construing his promise to be but personal, commanded his son Henry after his death to execute him; which he caused to be done in the fifth year of his reign.

Treat. de Judicio inter Gentes I shall add one more example of a remission out of Zauch. *Cum quidam Stywardus Scotus, qui Mariam Scotorum Reginam veneno tollere conatus est, in Anglia deprehenderetur, Ed. Sextus Rex Angliæ eum in manus Regis Galliæ tradidit, ut debito supplicio Remitteretur, quod Nonnullis displicuit, quia etsi ratio suadeat, ut qui in Patria deliquet, in Patria Puniatur, aliter tamen de consuetudine, quod Remissionem usurpatum est.*

Having now run thorough the several queries, which your lordships have thought fit to propose, I shall venture to set one step further, and start another of my own, with some offers toward the solution of which I will make an end, viz.

QUERY XV.

Whether in any Case it be lawful for Subjects to oppose their Prince?

SOLUTION.

It must be resolved in the negative: And that in any case, or upon any pretence whatsoever, it is utterly unlawful for subjects, jointly or singly, collectively or representatively, to make any violent opposition against their sovereign, or to resist him either in an offensive or a defensive way. This assertion you will find to be a truth, that is consonant to holy writ, reverend antiquity, sound reason, and to the municipal laws of the land, all the sophistries and argumentations that seditious and corrupted men are able to produce to the contrary notwithstanding.

I. To begin with Holy Scripture. It is clear from Deut. c. 17. v. 12. which commands the Israelites to put away evil from amongst them, by bringing to public justice all such mutinous and presumptuous persons, as refused to obey the high priest and the judge; that God imposed an obligation, even upon his own people, not to resist the supreme magistrate. And v. 13. makes the reason of this severity to be, to preserve the people from being poisoned in their allegiance by the malignity of such examples; that all the people, (under what nation or qualification soever,) may hear and fear, and do no more presumptuously. The same express warrant of the word, (and to the self-same purpose,) there is in Joshua, c. 1. v. 18. "Whosoever he be," says the Almighty, speaking to him, "that doth rebel against thy commandment, and will not hearken to thy words, in all that thou commandest him, he shall be put to death." Saul is generally condemned for persecuting David, and attempting upon his life: And yet 1 Sam. c. 24. v. 6. and C. though David had him twice at his mercy, he was not to be prevailed upon to do him 26. v. 11. any harm: "For who," says he, "can lay his hand upon (who can touch, who can stretch forth his hand against) the Lord's anointed, and be guiltless?" Now the signification of the scripture-phrase [touch, or stretch forth the hand against the Lord's anointed] is of a large extent: And the guilt of this horrid crime may be incurred either by lifting up Psal. 41. v. 9. our heels in scorn against our king; by taking up arms in our own defence, for whosoever resisteth the power, resisteth the ordinance of God; by not bringing to light Rom. 13. such traiterous conspiracies as we know to be forming against him; by not endeavouring to defend him, when we see him in danger, for *Qui non vetat peccare, cum possit,* Lev. 5. *jubet;* by striking at his crown, usurping upon his prerogative, or depriving him of his revenue; by speaking or even thinking evil of him; for as the tongue can strike Jer. 18. v. 18. without a hand, so the heart can curse without a tongue: Or (in a word) by any sort of indignity or out-rage offered either to his authority or person. But to proceed.

Doth not St Paul injoin, that "Every soul be subject to the higher powers; for there is no power but of God; and they that resist shall receive to themselves damnation?" Nay, and doth not St Peter also inculcate a patient toleration of injuries, and recommend unto our imitation the example of our blessed Saviour, 1 Pet. 2. v. 19, 20, 21, 22. "Who, when he was reviled, reviled not again; when he suffered he threatened not, but referred the vengeance to him that judgeth righteously." If ever man had just cause to resist, then had he; yet would he not do it, but checked St Peter's forwardness, saying, (Mat. 26. v. 52.) "Whoso taketh up the sword, shall perish by the sword." We find in the Creed that Pontius Pilate is recorded by the Holy Ghost, (which influenced the church in the composing of it,) this now was certainly done for our edification, and to insinuate, that as we tender our salvation by our faith in Christ, we must be careful of paying a chearful obedience to the lawful commands of the magistrate, and to submit humbly, and suffering, to those that are otherwise. And this

obligation continues, even though the prince should be a heathen, and the cause we smart for, Christ and his church.

II. As to reverend antiquity, St Ambrose, upon the point of non-resistance, discourses to this effect; "I have not so learned Christ," says he, "as to seek by force to oppose authority; I can mourn and lament; but for other resistance I neither will nor ought to make any." St Cyprian speaks to the same purpose; "It is out of a principle of conscience," says he, "that none of us make any opposition when we are unjustly seized upon, or study a revenge upon our tormentors, for the numerousness of our party were otherwise sufficient to bear us out in such a design." And so does Tertulian: "We are not," says he, "dispoiled of our goods, they are only sequestered for our benefit, and intrusted in safe hands; God keeps them for our use, and will return them with ample increase. If you abstain from fighting, he will espouse your quarrel; and question not but your enemies will have the worst on't, for your wounds will save you, and if you fall martyrs you will rise saints. What cannot our sufferings bring about? They make even God himself our debtor; he owes us heaven for ourselves, and he owes hell for our enemies: But yet we breath our souls in prayer that he may be intreated not to pay this."

What example now can there be more glorious, or more instructive, than that of the Theban legion, recorded in ecclesiastical story? The Emperor Maximinian, commanding his army to offer sacrifice to false gods, this band, consisting of about 7000 men, removed their quarters, to the end that they might avoid giving offence, but yet he presses them to bear a part in this diabolical service, and, upon their humble refusal, puts them forthwith to a decimation, which they chearfully submit unto, praying for their murderers: The tyrant would not yet be satisfied, but renewed his commands to the remainder of them; and finding them still to continue resolute, rather to die than to disobey God, he butchered them all, without the least resistance on their part. This was truly to confess him that was led as a sheep to the slaughter! Nay, so very fruitful are the ancient fathers in instances of this quality, that it would be but superfluous to recount any more of them; the general practice of the primitive Christians being so evident in this point, that the greatest sticklers for that sin of witchcraft, rebellion, have not the confidence to deny it.

III. That a liberty to resist those in whom the law has placed the power of the sword is repugnant to sound reason, I shall endeavour to make out by the following arguments:

1. Such a license to subjects against their rulers is destructive of the very nature of government, and of human society, for it dissolves the sinews of the state, and splits it into as many factions as it has enemies. And it is impossible to conceive two equal supremacies of power in the nation, and yet the kingdom to remain one. For this is it that distinguishes England, France, Spain, and all other independent kingdoms one from another. But then it is childish to fancy the policy of any monarchy, much less of our own, to be so grosly defective, as to be the author of its own ruin, by dividing the state legally against itself. So that to take up arms without or against authority, is downright rebellion, and the consequence, murder and rapine.

2. It is both reasonable and necessary that all governments should have a supreminent, cœrcive power over particular persons; for otherwise a city would immediately be hurried into an anarchy, and that which ought to be one entire body become so many independent men.

3. That which to one private person is due, as a man, the same is also due to another; and if I may assume to myself a power of judging when to resist my prince, every private man may do so too. Now, what peace, what society, can there be hoped for, where every one is at freedom to discharge himself from the obligation of all human laws, and to oppose them at pleasure? Or what obedience can consist with such

resistance? Nor will such libertines know where to stop, for it is usual for them to fall foul upon all such as have a deeper sense of honesty and allegiance than themselves. And what law of God or man was ever heard of that approved of my murdering a loyal man because I myself am a rebel? Beside that this lewd opinion equally wounds the very assertors of it; for any body may be allowed to do that to them which they have done to their rightful prince and his faithful subjects.

4. Now, touching the municipal laws of the land, that this resistance is against them, I shall make it evident. Bracton says, *Si ab eo (scil. rege) petatur; cum Breve non currat contra ipsum, locus erit supplicationi, quod factum suum corrigat et emendat; quod quidem si non fecerit, satis sufficit ei ad pœnam, quod Dominum expectet ultorem: Nemo quidem de factis suis presumat disputare, multo fortius contra factum suum venire.*

If a subject find himself aggrieved by the king, he is put to his petition (because no writ can lie against him) for redress; which if he will not vouchsafe, it is a sufficient penalty that he is to expect punishment from the Almighty. No man may presume to question what he does, much less to oppose him.

Fleta concurs with Bracton in this point; vid. lib. 1. c. 17. And Lombard writes thus, *Nemo dominum*, says he, *judicet, vel judicium proferat super eum cujus ligius sit.*

So likewise the statute of the 25th of Edward III. c. 2. *de proditionibus*, makes it treason to compass the death of the king. And to what end should these or any other provisions against treason have been established, if resistance were in any case lawful? Or what does the oath of allegiance signify, if the people may take up arms against their prince at pleasure? The form of it runs thus:

"You shall swear, That from this day forward, you shall be true and faithful unto our sovereign lord, King Charles, and truth and faith shall bear of life and member, and terrene honour; and you shall neither know nor hear of any ill or damage intended unto him, that you shall not defend," &c.

My Lord Coke comments upon it, that the subject and effect of this oath is due by the law of nature, the form and addition is, *ex provisione hominis.*

To conclude, the famous Bishop Merks is positive, that a king by lineal succession, being lawfully invested, cannot, upon imputation either of negligence or tyranny, be opposed, or deposed, by his own subjects.

Thus having given your lordships a description of the lord high-steward's office, and the manner how a peer is to be arraigned before him, with such solutions to your several queries as I have collected out of the books of law and history, I shall conclude all with this advertisement:

That the surest way to escape both the guilt and punishment of high-treason, is to fear God, and honour the king. The counsel given us by the wisest of kings is worthy to be adverted to. Think not evil of the king in thy heart, neither utter it with thy lips, lest a bird of the air carry the voice, and that which hath wings discover the matter. Let us detest the principles believed and practised by those audacious violators of royal majesty, the spawn of Loyola, and keep fast to the doctrine of our own church, which positively asserts, That the sacred bond of subjects, in obedience to their sovereign, is inviolable, and cannot be dissolved either upon the account of supposed crimes in the person of the prince, as tyranny, infidelity, heresy, &c., or by any acts of the Bishops of Rome, as dispensations, excommunications, &c.

It was once said in Valonger's Gass, that he that is thoroughly popish, may be easily warped from his loyalty.

My Lords, I am your Lordships, in all justice,
ED. S.

From my chamber in the Temple,
Jan. 17, 1680.

A Letter from Amsterdam to a Friend in England.

This is a Tory pamphlet, intimating the intention of the Whigs, in combination with the Dutch and with the discontented presbyterians of Scotland, to make an effort for overturning monarchical government in Britain.

My kind Co-operator,

THAT from you of the eighth instant I received, and am entirely yours. God speed the plow here, and in England. I hope in short time to give you a good account of my little embassy in this place. No body at the Hague knows any thing of it yet; nor shall they. Be sure no post to fail me; else I and my fellow-labourers here shall be to seek in our business. Tell our friends I cannot go quick and through with it, unless constant returns be made hither, to fill the bag and the bottle. These are the baits that I must fish with: The surest way to catch an Amsterdammer is by the belly.

We were last night no less than three nations together at supper, but all of a knot; nothing can untie us but want of money. My Scotch fugitive[1] was so sharp and quick upon sight of flesh-meat, that he laid aside his long grace, and without blessing God, or cursing the Duke of Lauderdale, he fell to and fed like a farmer; whilst I, snapping a bit now and then, fell to tunning up Old Hock in Min heer, the burgomaster; for our companion is of such a humour, that till he be top-full he never vents his oracles against the house of Orange and court of England. But in this pickle, the man is old dog at driving private trade and publick counsels: so, ere supper was done, we became ripe for business.

About half an hour after, came in two or three more of the magistrates, and with them some Scots of the common persecution; then the Romer having walkt a round or two more, and our letters of intelligence from all parts being read, your accounts from England pleased me best; other from France were not much inferior, and most welcome to Min heer, because as Monsieur Louvoy whistles, the Louvestein party dances. No wonder then that the influence from hence hath made such foul weather at the Hague. That king saw 'twas his best way to quit the Flemish campaign, and divert his army, when less than one quarter of the charge may save his stake in Flanders till another season, and perhaps, without the striking so much as one stroke, spoil the design of arms out of England and Holland.

He had intelligence the tide is turned in England; that whereas last year some of us were for war against him, we now are the men that cry it down; I perceive charging of pistols by a French hand may sometimes do more than all their cannon: The court some months ago were reviled as men against the war, and pensioners of France;

[1] The oppression exercised against the Scottish presbyterians, besides forcing them into the rebellions of Pentland Hills and Bothwell-Bridge, obliged many of them to emigrate to Holland, where they found tolerance, if not sympathy and protection.

now I hear the court ministers begin to retort the like jealousie upon you and your friends: Verily, the Dutch say, yours is either the floating-island, or founded upon quick-silver: and this part of the continent here, being a quake-mire, is moveable too, though not so quick; the French offer now as well as we to the shrine of de Witt, the martyr and saint of this republic; and his Louvestiners resolve that you and our Scotch friends shall not get all; for they, if they can, will do as much of his business as the best about a pretended project of peace betwixt France and England in favour of the Swede; the Nassauvians now at the Hague conclude it was but a French piece of gullery, to choak the current of the general confederacy: A meer state-stratagem to blow off the prohibition of French commodities in this country.

It was neatly done, and had like to have taken effect, thanks be to you (sir) and the rest of your friends, who gave the occasion of disputing it here, by yoking yourselves to the prohibition first, that this state might remain at liberty to lurch you afterwards, if they think it convenient. It was delicately done also to worry and hurry one another into resolutions for a war before you were ready; and now when it is resolved on, to clog and clap on weights to hinder it. At this rate things must needs very kindly operate: Your last hath given me and the rest of your friends here admirable satisfaction; go on and prosper in all the particulars of your contrivance; the day is your own: if we can but apply fresh leeches to the posteriours of the kingdom, we shall soon recover. Those that are here for the interest of republic will be forward enough too, if France be cordial (which we doubt not) to our party. He hath his end in it upon them, and us: However, our brains shall stretch hard but we will out-reach him. What a sight it is to see our friends in England, Holland, and Scotland, so well twisted! This three-fold cord is strong enough to hang, or hamper, all our adversaries.

Methinks I see your grandees lodged in truckle-beds already; it will soon be done, if we first handsomely divide the courtiers, and make use of the envy of some of them at their fellows; then put them like pellets to drive out one another.

The only way to wheedle them into it is, first, by round charges to endeavour a remove of the ministers in possession; it is the ready way to come at the master; the hope of their places will engage the rest of them to help on the work. Set but this wheel a going, and these are the cogs that will turn round the mill. What though you have hitherto had but ill luck in lifting at them, if one broadside do not sink a vessel another may; it was a wise providence that reserved our confessors last year for this purpose. The treating of such men with sugar-plums and sweat-meats to throw among the people did Strafford's business, and your's, and the king's too. It was thought the ready road to sweetning and quiet, but behold a troop of thousands! yielding in one point made way to ask all, and the multitude to believe all were guilty as well as one. A tacit court confession of guilt by one sacrifice, past for proof enough that all was true of the rest. If the same point can be gained again, be it but an unbloody piece of work, so it amount to a removal of any one principal man, it may perhaps take the more easily, and do the feat as well, if not better; shape your vengeance as it may not startle the nature of their master, so court-places may fall one after another, there is your reward upon earth, whatever else you may expect from heaven.

Ply his majesty with warm clothes if you can; tell him he is just and good, but his counsels are ill or weak, no matter which. Drive any peg that will go, sooth him in hope to smite the other; a dogged humour of no money will please the people and plunge him. Start up difficulties, promote his necessities, then work upon them, and make bold to tell him only new friends can remedy them. Read your lectures backward; say the war was most advisable last year when he had neither preparations nor moneys for it, but not now you have got him into it. Bring on new accounts of growth of popery and arbitrary government; charge them upon evil counsellers; be surē to lift them, at any hand lift them: noise may do it, ah, but tumult is wanting!

Then burn the pope again to fulfil the revelation; that will draw together the rabble; but forget not cakes and ale for them; pot-valiant will do as much as press-money, if you bid defiance to a standing army, though it be but in the clouds.

If this will not do in the city, then once again press grand jurymen in the counties to petition for a new parliament. It was well and wisely done to send them down the late books to inspire and quicken them. The judges will not dare to hinder, if in the mean time you rattle them roundly for what they have done; if you perceive them sturdy, then cast dirt at them; it will stick, and spot too, it being upon scarlet. You have men of law now that have done you service who gape for their places; it is fit their mouths should be stopt, that they may open with alacrity at prerogative and allegiance.

'Tis fine to see our Scotish friends trace the old method of 1640. And how every thing hits to improve the brotherly correspondence; lords and grievances came then together out of Scotland; God send us good luck, you know what followed. They then went to court one day, another day to conventicles and conclaves in London; advise them to do so now. A new bustle against that government began *An.* 1674. We and our party at the same time began the like bustle at Westminster: they and we have walkt hand in hand like brethren ever since. What have we to do next, but to revive and rake that phœnix, the Covenant, out of his ashes?

Be it your care to time the business; my Scotch confidents here do say, No time so fit at home, as when the king is engaged abroad; then it will do the French work and ours to.

Methinks it is fine musick when these four nations play in concert, and it is glorious for Scotland that it hath the honour to lead the dance.

What a dull brute of late is the subject of England! Therefore (as the old song saith) blew cap for me. Our men of that nation write, preach, and fight too; they have got likewise the right knack of distinction, and understand the way of supplicating the king's person against his authority. The sum of all is, get out the great loon there, and perhaps none else can saddle or mount them for his majesty's service. I like that course consulted by our good friends, that if he cannot be impeached in Scotland, it is but turning the table, and you may do it at Westminster. The pitcher hath two ears; if you cannot lay hold on one side, take him by the other, and dash him to the ground; remember his name is not only Lauderdail but Guilford too.[z] The honest covenanters have been whetting their pens at him these five years, so have we our spleens in England; we have spent the most part of our gall in ink-pots; try what the rest will do in a round charge or two. Nevertheless, write on still: I am sorry we have lost the prime pen; therefore make sure of Andrew; he's a shrewed man against popery, though for his religion you may place him, as Pasquin at Rome placed Henry the Eighth, betwixt Moses, the Messiah, and Mahomet, with this motto in his mouth, *Quo me vertam nescio.* It is well he is now transposed into politicks; they say he had much ado to live upon poetry. What a blunt tool the people's become! no mutiny? However, let him whet on till they take an edge, and be sure that you and the rest of our comrades whet him.

'Tis time now to say or print any thing that will sharpen. Blacken the whole undertaking: say in this marching army is couched a standing one. Rant roundly at adjournments: say, Neutrality is better now we are armed than it was when we were not: say all you can to befool the foreign confederacy and frustrate it; for what was wisdom last summer is none now. Do all you can to spoil this meeting also; then follows no money: urge that point long and loud; it may force the court to do that

[z] See the articles of impeachment of Duke Lauderdale among the Miscellaneous Tracts.

for supply, which we may have occasion to rail at afterwards, and rouze men with a witness. Ply the northern supplicators, and let them ply you.

Gather the quakers and fanaticks under the wing, and allow them now for protestants for all the act of uniformity; be kind and give them a little opium, so they may forget the tyranny of their elder brother, and be all one again; then the new cause may prove as good as the old one.

If you will hatch somewhat like a Remonstrance, I like it well; go back to forty-one, there is your perpetual pattern; matter enough to deal with any king in Europe; nothing in heaven can more fermentate and leven the whole lump; but be sure you do not call it a Remonstrance; a new name will do better to cover the purpose; and for a new model of state and statesmen commend me to the Nineteen Propositions to begin with.

To crown the work, and make all things easy, only one thing is wanting to turn the world. Archimedes, to effect it, required but one point to stand on without the circumference: do you gain but one in the centre; and you will do it as readily; that is the kings point. If he move, and tread never so little aside it, the stoutest will stagger, no man will stand to it.

Just now letters are come hither from the Hague, where two twins are struggling in the womb of their business; many thanks to you (sir.) Whether the delivery will be now by the hand of a French midwife, or an English, is not to be understood yet. They are come to the birth: some would have the name of the first born to be Prohibition; others would have the second to be named Neutrality, because he laid hold on the heel of his brother; which, as our friends of Louvenstein imagine, must signify, tat the younger is to trip up the heels of the elder.

Remember me to, &c. and let me be answered in the main of my former.

Amsterdam, 18th of April, 1678. I am yours, &c.

English stile.

An Account of the bloody Massacre in Ireland, acted by the Instigation of the Jesuits, Friars and Priests, who were Promoters of those horrible Murders, prodigious Cruelties, barbarous Villanies, and inhuman Practices executed by the Irish Papists upon the English Protestants.

Felix quem faciunt aliena pericula cautum.

Licensed 23d December, 1678.

This recapitulation of the barbarities practised during the great popish rebellion in Ireland, seems to have been compiled for the purpose of strengthening the credit of the popish plot, and animating the people still more against the catholic religion, by an exhibition of the horrors for which it had been made the pretext.

When their plots were ripe for execution, we find their first proceedings against the English various; some of the Irish only stripping and expelling them; others murdering men, women, and children without mercy; all resolving universally to root out all the protestants of Ireland: so deeply malicious were they against the English protestants, that they would not so much as endure the sound of their language.

The priests gave the sacrament unto diverse of the Irish, upon condition they should neither spare man, woman, nor child of the protestants. One Hulligan, a priest, read an excommunication against all those that from thenceforth should relieve or harbour any English, Scottish, or Welsh man, or give them alms, whereby many were famished to death. The friars exhorted them with tears not to spare any of the English.

The day before this massacre began, *anno* 1642, the priests gave the people a dismiss at mass, with liberty to go out and take possession of all their lands, as also to strip and rob, and dispoil them of all their goods and cattle.

The Irish, when the massacre began, perswaded many of their protestant neighbours to bring their goods to them, and they would secure them. And hereby they got abundance peaceably into their hands, whereof they cheated the protestants, refusing to restore them again; yet so confident were the protestants at first of them, that they gave them inventories of all they had, and digged up their best things that were hidden in the ground, and deposited them in their custody. They also got much into their hands by fair promises, deep oaths and engagements, and if they would deliver them their goods, they would suffer them, with their wives and children, quietly to depart the country, and when they had got what they could, they afterwards murdered them.

Having thus seized upon their goods and cattle, ransacked their houses, got their persons, stript man, woman, and child naked, and so turned them out of doors, strictly prohibiting the Irish, under great penalties, not to give them any relief; by means hereof many miserably perisht through cold, nakedness, and hunger.

In the town of Coleraine many of these poor people that fled thither for succour, many thousands died in two days, so that the living could not bury the dead, but laid their carcasses in ranks in waste and wide holes, piling them up as if they had been herrings.

One Magdalen Redman deposeth, that she, and diverse other protestants, amongst whom were two and twenty widows, were first robbed and then stript naked, and when they had covered themselves with straw, the bloody papists threw in burning straw among them, on purpose to burn them; then they drove them out into the woods in frost and snow, where many of them died with extreme cold, and those that survived live miserably by reason of their many wants.

Yet though these bloody villains exercised such inhuman cruelties towards the poor protestants, they would commonly boast, That these were but the beginning of their sorrow, for indeed they made it good; for, having disarmed the English, robbed them of their goods, stript them of their clothes, and having their persons in their power, they furiously broke out into all manner of abominable cruelties, horrid massacres, and execrable murders.

For there were multitudes murdered in cold blood, some as they were at plough, others in their houses, others in the highways; all without any provocation were suddenly destroyed.

In the castle of Lisgool were about one hundred and fifty men, women, and children consumed with fire. At the castle of Tullah, which was delivered to MacGuire, upon composition and faithful promises of fair quarter, as soon as he and his entered

they began to strip the people, and most cruelly put them to the sword, murdering them all without mercy.

At Lissenskeath they hanged and killed above one hundred of the Scottish protestants. In the counties of Armagh and Tyrone, where the protestants were more numerous, their murthers were more multiplied and with greater cruelty.

Mac Guire coming to the castle of Lissenskeath, desired to speak with Mr Middleton, who admitted him in; he first burnt the records of the county, then demanded one thousand pounds, which was in his custody, of Sir William Balfore's, which as soon as he had, he caused Mr Middleton to hear mass, and to swear that he would never alter from it, and then hanged him up with his wife and children; hanging and murdering above one hundred persons besides in that place.

At Portendown bridge there were one thousand men, women, and children carried in several companies, and all unmercifully drowned in the river. Yea, in that county there were four thousand persons drowned in several places.

In one place an hundred and forty English were taken and driven like cattle for many miles together. Other companies they carried out to a place fit for execution, and then murthered them. One hundred and fifteen men, women, and children they sent with Sir Philem O'Neal's pass till they came to Portendown bridge, and there drowned them.

At another time one hundred and forty protestants being thrown in at the same place, as any of them swam to the shore, the bloody villains with the butt-ends of their muskets knocked out their brains.

At Armagh, O'Cane got together all the protestants thereabouts, pretending to conduct them to Coleraine, but before they were a day's journey they were all murdered, and so were many others, though they had protections from Sir Philem O'Neal. The aged people in Armagh were carried to Charlemont, and there murthered.

Presently after the town of Armagh was burnt, and five hundred persons murthered and drowned In Kieloman were forty-eight families murthered. In one house twenty-two protestants were burned. In Kilmore all the inhabitants were stript and massacred, being two hundred families; the whole country was a common butchery; many thousands perished by sword, famine, fire, water, and all other cruel deaths that rage and malice could invent.

At Casel they put all the protestants into a loathsome dungeon, kept them twelve weeks in great misery. Some they barbarously mangled, and left them languishing; some they hanged up twice or thrice, others they buried alive.

In Queen's-County, an Englishman, his wife, five children, and a maid were all hanged together. At Clowns seventeen men were buried alive, some were wounded and hanged upon tenter-hooks.

In Castle-Cumber, two boys wounded and hung upon butchers tenters. Some hanged up and taken down to confess money, and then murthered. Some had their bellies ript up, and so left with their guts about their heels.

In Kilkenny, an English woman was beaten into a ditch where she died; her child about six years old, they ript up her belly and let out her guts. One they forced to mass, then they wounded him, ript his belly, took out his guts, and so left him alive.

A Scottishman they stript and hewed to pieces, ript up his wife's belly, so that her child dropt out; many other women they hung up with child, ript their bellies, and let their infants fall out; some of the children they gave to dogs.

In the county of Armagh they robbed, stripped, and murthered abundance of protestants, whereof some they burned, some they slew with the sword, some they hanged, some they starved to death; and meeting Mrs Howard and Mrs Frankland with six of their children, and themselves both with child, they murdered them all, ript open the gentlewomen's bellies, took out their children, and threw them into a ditch.

A young Scottishwoman's child they took by the heels and dashed out its brains against a tree; the like they did to many other children.

Anne Hill, going with a young child on her back and four more by her side, they pulled the child off her back, trod on it till it died, stripped her and the other four children naked, whereby they died of cold.

Some others they met with, hanged them up upon a windmill, and before they were half dead cut them in pieces with their skeins.

Many other protestants, especially women and children, they pricked and stabbed with skeins, forks, and swords, slashing, cutting, and mangling them in their heads, faces, breasts, arms, and other parts, yet killed them not, but left them wallowing in their own blood to languish, starve, and pine to death.

The castle of Lisgoole being set on fire by these merciless papists, a woman leapt out at a window to save herself from burning, whom they presently murthered; many fled to vaults and cellars, where they were all murthered. One Joan Addis they stabbed, and then put her child of a quarter old to her breast, and bid it suck English bastard, and so left it to perish.

One Mary Barlow had her husband hanged, herself with six children stript naked in frost and snow, after which, sheltering themselves in a cave, they had nothing to eat for three weeks but two old calve skins, which they beat with stones, and so eat them hair and all.

In the cold weather many thousands of protestants of all ranks, ages and sexes, being turned out naked, perished of cold and hunger; thousands of others were drowned, cast into ditches, bogs, and turf-pits; multitudes miserably burnt in houses; some that lay sick of fevers they hanged up; some men, women, and children they drove into boggy pits, and knocked them on the heads.

Some aged men and women these barbarous papists inforced their own children to drown them; yea, some children were compelled unnaturally to execute their own parents; wives forced to hang their own husbands, and mothers to cast their own children into the waters, after which themselves were murthered.

In Sligo they forced a young man to kill his father, and then hanged him up. In another place they forced a woman to kill her husband, then caused her son to kill her, and then hanged the son: yea, such was their malice against the English, that they taught their children to kill English children.

The Irish trulls that followed the camp, cried out, 'Kill them all, spare neither man, woman, nor child.' They took the child of Thomas Stratton, being about twelve years old, and boiled him in a caldron. One goodwife Lin and her daughter they carried into a wood, first hanged the mother, and then the daughter in the hair of her mother's head.

In some places they plucked out the eyes and cut off the hands of the protestants, and turned them into the fields, where they perished. The women in some places stoned the English women and children to death. One man they shot through his thighs, digged a hole in the ground, set him in upon his feet, filled up the hole, left out only his head, where he languished to death. Another man they held his feet in the fire till he was burnt to death.

In Munster they hanged up many ministers in a most barbarous manner. One minister they stripped naked, and drove him through the town, pricking him with darts and rapiers till he fell down dead.

These barbarous villains vowed, 'That if any parents digged graves to bury their children in they should be buried therein themselves.' They stripped one William Loverden naked, and then killed him before his wife and children. Diverse ministers bones that had been buried some years before they digged up, because they were, as they say, patrons of heresy.

Poor children that went out into the fields to eat weeds and grass they killed without all pity.

A poor woman, whose husband was taken by them, went to them with two children at her feet and one at her breast, hoping to beg her husband, but they slew her and her sucking child, brake the neck of another, and the third hardly escaped; and all this wickedness they exercised upon the English without any provocation given them. Alas! who can comprehend the fears, terrors, anguish, bitterness, and perplexity that seized upon the poor protestants, finding themselves so suddenly surprised without remedy, and wrapt up in all kind of outward miseries which could possibly by man be inflicted upon human creatures? What sighs and groans, trembling and astonishment? What shrieks, cries, and bitter lamentations of wives, children, servants, and friends, howling and weeping, finding themselves without all hope of deliverance from their present miseries. How inexorable were their barbarous tormentors, that compassed them in on every side without all bowels of compassion, or the least commiseration or pity, yet they boasted upon their success.

These merciless Irish papists having set a castle on fire, wherein were many protestants, they rejoicingly said, O how sweetly do they fry!

At Kilkenny, when they had committed many cruel murders, they brought seven protestants heads, one the head of a reverend minister, all which they set upon the market-cross on a market day, triumphing, slashing, and mangling them; they put a gag in the minister's mouth, slit up his cheeks to his ears, and laid a leaf of a bible upon it, and bid him, Preach, for his mouth was wide enough.

At Kilmore they put many protestants, men, women, and children into a thatched house, and there burnt them. They threw Mrs Maxwell into the river when in labour, the child being half-born when the mother was drowned.

In one place they burnt two protestant bibles, and then said, It was hell fire they burnt. Other bibles they took, cut in pieces and burnt them, saying, They would do the like to all puritan bibles. They took the bible of a minister called Mr Slack, and opening it, they laid it in a puddle of water, and then stamped upon it saying, 'A plague on't, this bible hath bred all the quarrel.'

At Glastow, a priest and some others drew about forty English and Scottih protestants to be reconciled to the church of Rome, and then told them, They were in a good faith, and for fear they should fall from it and turn hereticks, he with his companions presently cut all their throats.

In the county of Tipperary, near the silver works, some of these barbarous papists met with eleven Englishmen, ten women and some children, whom they first stript, and then with stones, pole-axes, skeins, swords, &c. they most barbarously massacred them all.

In the county of Mayo, about sixty protestants, whereof fifteen were ministers, were upon covenant to be safely conveyed to Galway by one Edmond Burk and his soldiers, but by the way this Burk and his company began to massacre these poor protestants; some they shot to death, some they stabbed with their skeins, some they thrust through with their pikes, some they drowned; the women they stript naked, who, lying upon their husbands to save them, were run through with pikes, so that very few of them escaped with life.

In the town of Sligo, forty protestants were stript and locked up in a cellar, and about midnight a butcher, provided for the purpose, was sent in amongst them, who with his axe butchered them all.

In Tyrawley, thirty or forty English, who had yielded to go to mass, were put to their choice, Whether they would die by the sword or be drowned? They chose the latter, and so being driven to the sea-side, these barbarous villains with their naked swords forced them into the sea; the mothers, with their children in their arms, wading to their chin, were overcome by the waves, where they all perished.

The son of Mr Montgomery, a minister, aged about fifteen years, met with his schoolmaster, who drew his skein at him, whereupon the boy said, Good master, whip me as much as you will, but do not kill me. Yet this merciless tyger barbarously murthered him without all pity.

In the town of Sligo all the protestants were first robbed of their estates, then cast into gaol, and about midnight were all stript naked, and were there most cruelly and barbarously murthered with swords, axes, skeins, &c. some of them being women great with child, their infants thurst out their arms and legs at their wounds; after which execrable murthers these hell-hounds laid the dead naked bodies of the men upon the naked bodies of the women in a most immodest posture, where they left them till next day to be looked upon by the Irish, who beheld it with great delight. Also Isabel Beard, great with child, hearing the lamentable cries of those that were murthering, ran out into the streets, where she was murthered, and the next day was found with the child's feet coming out of the wounds in her sides: many others were murthered in the houses and streets.

About Dungannon were three hundred and sixteen protestants in the like barbarous manner murthered; about Charlemont, above four hundred; about Tyrone, two hundred and six.

One Mac Crew murthered thirty one in one morning.

Two young villains murthered one hundred and forty poor women and children that could make no resistance. An Irish woman with her own hands murthered forty-five.

At Portendown Bridge were drowned above three hundred. At Lawgh were drowned above two hundred. In another place were drowned three hundred in one day. In the parish of Killmen, there were murthered one thousand two hundred protestants.

Many young children they cut in quarters; eighteen Scottish infants they hanged upon a clothier's tenter-hooks; one fat man they murthered, and made candles of his grease; another Scottish man they ript up his belly, took one end of his small guts, tied it to a tree, and forced him round about it, till they had drawn them all out of his body, saying, That they would try whether a dogs or a Scottish man's guts were the longer.

By the command of Sir Philem O'Neal, Master James Maxwell was drawn out of his bed, being sick of a fever, and murthered; his wife being in child birth, the child being half-born, they stript naked, drove her about a flight shot, and drowned her in the Black Water: the like, or worse, they did to another English woman in the same town. One Mr Watson they roasted alive. A Scottish woman, great with child, they ript up her belly, cut the child out of her womb, and so left it crawling on her body.

Mr Starkey, schoolmaster at Armagh, being above one hundred years old, they stript him naked, then took his two daughters, being virgins, whom they also stript naked, and then forced them to lead their aged father to a turf-pit, where they drowned them all three.

To one Henry Cowel, a gallant gentleman, they proffered his life, if he would marry one of their trulls, or go to mass, but he chose death rather than to consent to either.

They brake the back-bone of a youth, and left him in the fields; some days after he was found, having eaten the grass round about him; neither then would they kill him outright, but removed him to better pasture, wherein was fulfilled that saying, The tender mercies of the wicked are cruelty.

In the county of Antrim, they murthered nine hundred fifty-four protestants in one morning, and afterwards about twelve hundred more in that county. Near Lisnegarry, they forced twenty-four protestants into a house, and burnt them all.

Sir Philem O'Neal boasted that he had slain above six hundred at Garvah, and that he had left neither man, woman, nor child alive in the barony of Munterlong. In other places he murthered above two thousand persons in their houses; so that many houses were filled with dead bodies.

Above twelve thousand were slain in the highways, as they fled towards Down. Many died of famine, many died for the want of clothes, being stript naked in a cold season, some thousands were drowned; so that in the province of Ulster there wes. about one hundred and fifty thousand murdered by sundry kinds of torments and deathn

Anne Kinnard testified, That fifteen protestants being imprisoned, and their feet it the stocks, a popish boy, being not above fourteen years old, slew them all in one night with his skein.

An English woman, who was newly delivered of two children, some of the villains violently compelled her, in her great pain and sickness, to rise out of her bed, and took one of the infants that was living, and dashed his brains against the stones, and then threw him into the river Barrow. The like they did by many other infants; many others they hanged up without all pity.

The Lord Mont-Garret caused diverse English soldiers that he had taken about Kilkenny to be hanged, hardly suffering them to pray before their death.

One Fitzpatrick, an Irish papist, enticed a rich merchant, that was a protestant, to bring all his goods to his house, promising safely to keep them, and to re-deliver them to him, and when he had gotten them into his possession, he took the merchant and his wife and hanged them both. The like he did by diverse others.

Some Englishmen's heads they cut off, and carried them to Kilkenny, and on the market-day set them on the cross, where many, especially the women, stabbed, cut, and slashed them.

A poor protestant woman, with her two children, going to Kilkenny, these bloody miscreants baited them with dogs, stabbed them with skeins, and pulled out the guts of one of the children, whereby they died; and not far off they took diverse men, women, and children, and hanged them up; one of the woman being great with child, they ripped up her belly as she hanged, so that the child fell out in the cawl alive. Some, after they were hanged, they drew up and down till their bowels were torn out.

How many thousands of persons were there thus inhumanly butchered, by sundry kinds of death, we cannot ascertain.

In the province of Ulster we find vast numbers murdered as before; what the number of the slain was in the three provinces I find not upon record, but certainly it was very great, for you have these passages in a general remonstrance of the distressed protestants in the province of Munster: 'We may, (say they) compare our woe to the saddest parallel of any story. Our churches are prophaned by sacrifices to idols; our habitations are become ruinous heaps. No quality, age, or sex, privileged from massacres and lingering deaths, by being robbed, stript naked, and so exposed to cold and famine. The famished infants of murdered parents swarm in our streets, and for want of food perish before our faces, &c. And all this cruelty, that is exercised upon us, we know not for what cause, offence, or seeming provocation it is inflicted upon us, (sin excepted) saving that we were protestants, &c. We can make it manifest, that the depopulations in this province of Munster do well near equal those of the whole kingdom,' &c.

And thus in part you have heard of the merciless cruelties which the bloody Irish papists exercised toward the protestants. Let us now consider, at least some of God's judgments upon the Irish, whereby he hath not left the innocent blood of his servants to be altogether unrevenged.

The bloody hell hounds themselves confessed, 'That the ghost of diverse of the protestants, which they had drowned at Portendown Bridge, were daily seen to walk upon the river, sometimes singing of psalms, sometimes brandishing naked swords, sometimes shrieking in a most hideous and fearful manner.' So that many of the popish Irish, which dwelt near thereabouts, being affrighted therewith, were forced to remove their habitations farther off into the country.

Katherine Cook testified upon oath, That when the Irish had barbarously drowned

one hundred and eighty protestants, men, women, and children, at Portendown Bridge, about nine days after, she saw the apparition of a man bolt-upright in the river, standing breast-high, with his hands lifted up to Heaven, and continued in that posture from December to the end of Lent, at which time some of the English army passing that way, saw it also; after which it vanished away.

Elizabeth Price, testified upon oath that she and other women, whose husbands and children were drowned in that place, hearing of those apparitions, went thither one evening, at which time they saw one like a woman rise out of the river breast-high, her hair hanging down, which, with her skin, was as white as snow, often crying out, Revenge, revenge, revenge! which so affrighted them that they went away.

Diverse protestants were thrown into the river of Belterbert, and when any of them offered to swim to the land they were knocked on the head with poles, after which their bodies were not seen of six weeks, but after the end thereof, the murderers coming again that way, the bodies came floating up to the very bridge where they were.

Sir Con Mac Gennis, with his company, slew Mr Turge, minister of the Newry, with diverse other protestants; after which, the said Mac Gennis was so affrighted with the apparition of the said Mr Turge, his being continually in his presence, that he commanded his soldiers not to slay any more of them but such as should be slain in battle.

A young woman being stript almost naked, there came a rogue to her, bidding her give him her money, or he would run her through with his sword. Her answer was, 'You cannot kill me, except God give you leave:' whereupon he ran three times at her naked body with his drawn sword, and yet never pierced her skin; whereat he being confounded went his way and left her. This was attested by diverse women that were present and saw it.

As for the protestant ministers whom they surprized, their manner was first to strip them, and after bind them to a tree or post, where they pleased, and then to ravish their wives and daughters before their faces, (in sight of their merciless rabble) with the basest villains they could pick out; after they hanged up their husbands and parents before their faces, and then cut them down before they were half dead, then quartered them, after having dismembered them, and stopped their mouths therewith.

They basely abused one Mr Trafford, a minister in the north of Ireland, who being assaulted by these bloody wolves of Rome's brood, that knew not God nor any bowels of mercy, this distressed minister desired but so much time as to call upon God before he went out of the world, but these merciless wretches would admit no time, but instantly fell upon him, hackt and hewed him to pieces.

Sir Patrick Dunstan's wife they ravished before him, slew his servants, spurned his children till they died, bound him with match to a board that his eyes burst out, cut off his ears and nose, teared off both his cheeks, after cut off his arms and legs, cut out his tongue, and after run a red-hot iron into him.

These particulars, with many more, were attested before the commissioners appointed for that purpose.

See more of such cruelties in Clark's Martyrology.

An Account of the Proceedings at the Sessions for the City of Westminster, against Thomas Whitfield, Scrivener; John Smallbones, Woodmonger; and William Laud, Painter; for tearing a Petition prepared to be presented to the King's Majesty, for the Sitting of the Parliament. With an Account of the said Petition presented on the 13th instant, and his Majesty's gracious Answer.

One of the most violent disputes of this busy period was that between the *petitioners* and *abhorrers*, as they were called. The first comprehended the opposition party, who sedulously, and by every means in their power, promoted the practice of presenting petitions to the king, setting forth the danger to his person, and to the state, from the popish plot, and praying him to convoke his parliament. These petitions were often couched in violent language, of which the Tories taking advantage, promoted among their party the presenting of addresses, expressing their reliance on the wisdom of the king, and their *abhorrence* of the violent practices of their opponents about petitioning. Roger North tells us of many violences on the side of the opposition party, who scarcely refrained from insulting the abhorrers in the streets; while, on the other hand, the subsequent tract shews that the Tories were no ways behind in retorting upon the petitioners similar insult and injury. At length the king, on the one hand, issued a proclamation against tumultuous petitions, and the house of commons, on the other, so soon as they assembled, began to proceed with great rigour against the abhorrers, whom they summoned before them (whether members or not) and punished in a very arbitrary manner. At length Mr Stowell, foreman of the grand jury at Exeter, refused to obey the arrest of the serjeant at arms, and, by his firmness, put a stop to this unconstitutional exertion of authority.

It being the undoubted right of the subjects of England, and warranted by the law of the land,[1] and the general practice of all former times, in an humble manner to apply themselves to his majesty, in the absence of parliaments, by petition, for the redress of their grievances, and for the obtaining such things as they apprehend necessary or beneficial to the safety and well-being of the nation. And it being their duty, to which they are bound by the express words of the oath of allegiance,[2] to represent to him any danger which they apprehend threatening his royal person or his government; diverse persons, in and about the city of Westminster, considering the too apparent and unspeakable danger his majesty and his kingdoms are in, from the hellish plots and villainous conspiracies of the bloody papists and their adherents, and conceiving no sufficient (or at least so fit) remedy could be provided against it but by the parliament, by whom alone several persons accused of these accursed designs can be brought to trial, did prepare and sign a petition, humbly representing to his majesty

[1] Vide the Resolution of the Law, Cok. Jurisdict. of Courts, 79. Hobart 220 Vol. Magna Chart. Ex. l. Spencer 51. Vide the Proclamation of King Charles the First.

[2] I do swear from my heart, that I will bear faith and true allegiance to his majesty, his heirs and successors, and him and them will defend to the uttermost of my power against all conspiracies and attempts whatsoever, which shall be made against his or their persons, their crown and dignity: and will do my best endeavours to disclose and make known unto his majesty, his heirs and successors, all treasons and traitorous conspiracies, which I shall know, or hear of, to be against him or any of them.—*Orig. Notes.*

the imminent danger of his royal person, the protestant religion, and the government of this nation were in, from that most damnable and hellish popish plot, branched forth into several the most horrid villanies. For which several of the principal conspirators stand impeached by parliament, and thereby humbly praying that the parliament might sit upon the 26th of January, to try the offenders, and to redress the important grievances no other way to be redressed; of which Thomas Whitfield, John Smallbones, and William Laud, inhabitants in Westminster, taking notice: upon the 20th day of December last, they sent to Mr William Horsley, who had signed and promoted the petition, and in whose custody it was, to bring or send it to them, for that they desired to sign it. And thereupon Mr Horsley attended them, and, producing the petition, in which many persons had joined, he delivered it at their request to be by them read and signed, but Mr Whitfield immediately tore it in pieces, and threw it towards the fire, and Smallbones catching it up, said that he would not take ten shillings for the names, and then they declared that they sent for it for that very purpose, and owned themselves all concerned in the design.

Upon Mr Horsley's complaint hereof to a justice of the peace, a warrant was granted against them, and they being taken thereupon, after examination of the matter were bound to appear and answer it at the next quarter sessions of the peace for the city of Westminster, and upon Friday the 9th of January instant, the sessions being holden, and there being present several justices of the peace that are eminent lawyers, the matter was brought before them, and the grand jury indicted the said Whitfield, Smallbones, and Laud as followeth, viz.

The City, Borough and Town of Westminster, in the County of Middlesex.

"The jurors for our sovereign lord the king upon their oath do present, that whereas the subjects and liege people of the kings and queens of this realm of England, by the laws and customs of the realm, have used and been accustomed to represent their public grievances by petition, or by any other submissive way, and that the 20th day of December, in the one and thirtieth year of the reign of our sovereign Lord Charles the Second, by the grace of God, of England, Scotland, France and Ireland, king, defender of the faith, &c. at the parish of St Martins in the Fields, within the liberty of the dean and chapter of the collegiate church of St Peter of the city, borough, and town of Westminster, in the county of Middlesex; a petition written in paper, was prepared and subscribed with the hands of diverse the said king's subjects and liege people (to the jury unknown) and to our said sovereign Lord King Charles the Second directed, and to our said lord the king to be presented and delivered, by which petition it was shewn, that, whereas there had been, and was a most damnable plot against the royal person of our said sovereign lord the king, the protestant religion, and well established government of this realm, for which plot several of the principal conspirators were impeached by parliament, and whereby it was humbly prayed, that the parliament, which was prorogued to the 26th of January next ensuing the said year, might then sit to try the offenders, and to redress the pressing grievances not otherwise to be redressed. And that Thomas Whitfield, late of the said parish of St Martins in the Fields, in the liberty aforesaid, in the county aforesaid, yeoman, John Smallbones, late of the said parish, within the liberty aforesaid, in the county aforesaid, woodmonger, and William Laud, late of the parish aforesaid, in the county aforesaid, yeoman, being persons ill effected and contriving, devising, and intending, as much as in them lay, to hinder the sitting of the said parliament, as was prayed by the said petition, and also to hinder the trial of the said offenders, and redressing the said grievances, the said 20th day of December, in the said one and thirtieth year of the reign of our said sovereign lord the king, as rioters and

disturbers of the peace of our sovereign lord the king, for the disturbing of the peace of our said sovereign lord the king, with force and arms, at the said parish, within the liberty aforesaid, in the county aforesaid, unlawfully and riotously did assemble themselves, and being so then and there assembled with force and arms, then and there unlawfully, riotously, and injuriously, the said petition being delivered by one William Horsley to them, the said Thomas Whitfield, John Smallbones, and William Laud, at their request, and for the subscribing their names thereunto if they should think fit, did tear in pieces, in contempt of our said sovereign lord the king, and of his laws, to the evil example of all others in the like cases offending, and against the peace of our said sovereign lord the king, his crown and dignity.

The Names of the Grand Jury that found the Bill are these:

William Jacob	John Weston	Edward Whitefoot	Cornelius Rickfield
Thomas Trevor	Martin Frogg	John Gentle	George Wright, apothecary
Erasmus Browne	John Pierce	Thomas Harris	
Henry Dugley	Robert Pinke	William Fortune	☞ Walter Wright
Richard Streete	Nathaniel Wilkinson	Roger Higdon	Adam Langley.
John Henly		James Harrold	

Upon Wednesday the 7th of this instant January, many gentlemen and eminent citizens, who had been concerned for managing the petition for the sitting of the parliament upon the 26th instant, met together, and agreed upon the method of finishing the same, and of nominating fit persons for the presenting it to his majesty, which being accordingly done, these gentlemen following, viz.

Sir Gilbert Gerrard, Baronet, son-in-law to the late bishop of Durham.
Francis Charlton Esq. John Smith Esq. Ellis Grispe Esq. Henry Ashurst Esq.
John Ellis Esq. Johnson of Stephney Esq. Anthony Selby Esq. Tho. Smith Esq.

Gentlemen of good worth and estates, and several of whom have been eminent sufferers for his majesty, did this 13th of January attend his majesty with it at Whitehall, when, being introduced to his royal presence, Sir Gilbert Gerrard kneeling, presented this petition;

"To the King's most excellent Majesty, the humble petition of your Majesty's most dutiful and loyal subjects, inhabitants in and about the city of London, whose names are here under subscribed,

" Sheweth,

" That, whereas there has been and still is a most damnable and hellish popish plot branched forth into the most horrid villanies against your majesty's most sacred person, the protestant religion, and the well established government of this your realm, for which several of the principal conspirators stand now impeached by parliament.

" Therefore, in such a time, when your majesty's royal person, as also the protestant religion, and the government of this nation are thus in most eminent danger,

" We, your majesty's most dutiful and obedient subjects, in the deepest sense of our duty and allegiance to your majesty, do most humbly and earnestly pray, that the parliament, which is prorogued until the 26th day of January, may then sit to try the offenders, and to redress all our most important grievances no otherwise to be redressed.

And your petitioners shall ever pray for your majesty's long and prosperous reign."

And expressed himself to this effect; " Sir, I have a petition from many thousands of your majesty's dutiful and loyal subjects in and about the city of London, which I humbly present in their names, and desire your majesty would be pleased to read it."

To which his majesty gave this gracious answer: "I know the substance of it already; I am head of the government, and will take care of it;" and then received the petition, it being a great roll of above an hundred yards in length, and carried it away in his hand.

The Catholick Cause; or the horrid Practice of murdering Kings justified and commended by the Pope, in a Speech to his Cardinals, upon the barbarous Assassination of Henry the Third of France, who was stabbed by Jaques Clement, a Dominican Friar.

The true copy of which speech, both in Latin, and also faithfully rendered into English, you have in the following pages.

Anno 1678.

These collections are made with the purpose of bolstering the evidence of the Popish Plot, by an exposition of the doctrines of the church of Rome, at least of many of her divines, concerning the right of murdering heretic monarchs.

Sixti Quinti Pont. Max. de Henrici Tertii morte, Sermo, Romæ in Consistorio Patrum habitus, 11. Septem. 1589.

ANIMO meo sæpe ac serio revolvens, mentisque aciem intendens in ea, quæ nuper Dei voluntate acciderunt, videor mihi vere posse illud Prophetæ Habacuc usurpare: qui opus factum est in diebus vestris, quod nemo credet, cum narrabitur, (Habac. i. 5.) Mortuus est Rex Francorum per manus monachi.

Nam ad istud potest rectè applicari: licet de alia re, nempe de incarnatione Domini, quæ omnia mira, ac mirabilia superat, Propheta propriè locutus sit sicut et apostolus Paulus eadem verba (Actorum xiii. 41.) ad Christi resurectionem verissimè refert. Quando propheta nominat opus, non vult innuere aliquid vulgare, vel ordinarium, sed rarum, insigne, ac memorabile facinus; quomodo de creatione mundi, "opera manuum tuarum sunt cœli. Item, requievit die septimo ab omni

An Oration of Pope Sixtus the Fifth, upon the Death of King Henry the Third, in Rome, in the full Assembly of the Cardinals.

CONSIDERING oftentimes and seriously with myself, and applying the utmost of my understanding unto these things which now of late by the will of God are come to pass, I think I may fitly use the words of the prophet Habakkuk, saying, "I have wrought a work in your days which no man will believe when it will be told him," Habak. i. 5. The French king is slain by the hands of a friar.

For unto this it may truly be compared, though the prophet spake of another thing, namely, of the incarnation of our Lord, which exceedeth all other wonders and miracles: as also, the apostle St Paul referreth the same words unto the resurrection of Christ, (Acts xiii. 41.) When the prophet says, "a work," he means not by it some common or ordinary thing, but a rare and notable matter, and worthy to be remembered as that of the creation of the world; "the heavens are the works of thy

opere quod patrarat." Cum verò factum ait, eo verbo tale aliquid in scripturis exprimi, quod non temere, casu, fortuna aut per accidens evenire dicitur; sed quod expressa die voluntate, providentia, dispositione, ac ordinatione obvenit. Ut cum dicit Salvator " opera quæ ego facio vos facietis, et majora horum facietis;" et similia in sacris litteris plurima. Quod autem loquatur in præterito factum esse, in more aliorum prophetarum facit, qui propter certitudinem eventus solent sæpe de futuris, ac si jam facta essent prædicere. Dicunt enim philosophi, res præteritas esse de necessitate, præsentes de inesse, futuras de possibili tantum; ita illi loquuntur.

hands; and again, he rested the seventh day from all the works which he had made. When he saith " I have wrought," with these words the scripture is wont to express things not to come to pass casually by fortune or accident, but things falling out by the determined counsel, will, providence, and ordinance of God, as our Saviour says, " the works that I do, shall ye do also, and greater works than these," (John xiv. 12.) and many more in holy writ to the like purpose. Now that he says, that is done in times past, herein he follows the use and manner of the other prophets, who, for the certainty of the event, are wont to predict things to come as if they were past already; for as the philosophers say, " things past are of necessity, things present of being, and things to come only of possibility." So do they speak. For which certainly the prophet Isaiah long before, prophesying of the death of Christ, hath thus spoken: " He was led as a sheep to the slaughter, and like a lamb dumb before his shearer, so opened he not his mouth," &c. as it is likewise repeated, Acts viii.

Propter quam certitudinem Isaias propheta longè ante vaticinatus de morte Christi, sic dixit, sicut in Act. apostolorum cap. 8. etiam recitatur, " Tanquam ovis ad occisionem ductus est, et sicut agnus coram tondente se non aperuit os suum," &c.

Atque hoc, de quo nunc verba facimus, et quod hic diebus nostris evenit, verè insigne, memorabile, et pene incredibile opus est, nec sine Dei opt. Max. particulari providentia, et dispositione perpetratum. Occidit Monachus Regem, non pictum aut fictum in charta, aut pariete; sed Regem Francorum in medio exercitus sui, milite et custodia undique septum; quod re vera tale est, et eo modo effectum, ut nemo nunc credat, cum narrabitur et fortasse apud posteritatem pro fabula reputabitur.

And this, of which we are now speaking, and which has happened in these our days, is a very famous, memorable, and well-nigh incredible thing, not done or accomplished without the particular providence and disposition of the Almighty. A friar has killed a king, not a painted one in paper, nor pictured out upon a wall, but the French king, in the middle of his armies, encompassed round about with his guard and soldiers, which truly is such an act, and done in such a manner, that none will believe when it shall be told them, and perhaps our posterity after us will account and esteem it but a fable.

Quod rex sit mortuus, vel etiam peremptus, facile creditur, sed eum sic sublatum, vix est credibile; sicut Christum natum ex fœmina statim assentimur; sed si addas porro ex fœmina virgine ortum esse, tunc secundum hominem non assentior: ita etiam quod mortuus sit Christus facile credimus, sed quod mortuus jam resurrexerit ad vitam, quia ex privatione ad habitum non fit regressio, redditur secundum intel-

That the king is dead, or else slain, it is easily to be believed; but that he is killed and taken away in such sort is hardly credible; even as we presently assent that Christ is born of a woman, but if we farther add of a virgin woman, then, according to human reason, we cannot assent unto it; and so we can readily believe that Christ died, but that he rose from the dead to life again, this, to man's natural

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lectum humanum impossibile, propterea incredibile: quod homo ex somno, ex morbo, etiam ex syncope, vel extasi resuscitatur, quia id sæpe secundum naturam fit, humanitus credimus; sed resurrexisse a mortuis, ita secundum carnem videbatur incredibile ut Paulo apud Philosophos Athenienses de hac resurrectione disserenti, improperarent, quod esset novorum dæmoniorum annunciator; et alii, sicut D. Lucas narrat, irridebant; alii dicebant, "Audiemus te de hoc iterum." De talibus igitur, quæ secundum naturæ leges, et ordinarium cursum fieri non solent, dicit propheta, quod nemo credet, cum narrabitur; sed hujusmodi tantum fidem adhibemus ex consideratione omnipotentiæ divinæ, et per subjectionem intellectus nostri in obedientiam fidei, et obsequium Christi. Nam hoc modo quod erat incredibile naturaliter, fit credibile. Igitur qui secundum hominem non credo Christum de virgine natum, tamen quando additur hoc factum esse supra naturæ terminos per operationem spiritus sancti, tunc vere assentior, et credo.

Ita quando dicitur Christum ex mortuis resurrexisse, humanitus non credo; sed cum id factum esse per divinam (quæ in ipso erat) naturam affirmatur, tunc omnino credit.

Eodem modo licet tantum regem in medio exercitus, tot stipatum militibus, ab uno simplici, et imbelli religioso occisum esse, secundum prudentiam carnis, et intellectum humanum sit incredibile, vel omnino improbabile; tamen considerando ex altera parte gravissima regis peccata, et specialem Dei omnipotentis in hac re providentiam, et quam inusitato, et mirabili modo justissimam voluntatem suam erga ipsum impleverit, omnino, et firmiter credo. Rem etenim istam, rem grandem et inusitatem alio referre, quam ad particuliarem Dei providentiam (sicut quosdam ad alias causas ordinarias, vel etiam ad fortunam et casum, aut similes acci-

understanding, is impossible, and therefore incredible, because there is no return from a privation to an habit; that one is awakened again out of a sleep, extasy, or a swoon, because it is not against nature, we naturally believe it; but to be risen again from the dead, it seemed so incredible a thing to nature, that St Paul, disputing with the Athenian philosophers about this very point, was disgusted for it, and accused to be a setter forth of new or strange gods; and some, as St Luke reports, mocked him, others said we will hear thee again of this matter. Of such things, therefore, which befal not according to the laws of nature and the ordinary course thereof, speaketh the prophet, viz. that none shall believe it when it shall be told them. But we give credit unto it, whilst we consider the omnipotency of God, and by submitting our own understandings to the obedience of faith and the commands of our Saviour Christ; and by these means what was incredible before by nature becometh credible by faith: we therefore, that as meer men cannot believe Christ to be born of a virgin, when this is further added, that it was wrought supernaturaly by the operation of the Holy Ghost, then we truly assent to it. So likewise when it is said that Christ is risen again from the dead, naturally we believe it not, but when it is affirmed that this was done by the power of the divine nature (which was in him) then we readily and without any kind of doubting believe it.

In the same manner, though to natural reason and human capacity it may seem a thing incredible, or altogether improbable, that such a mighty king should be murdered in the midst of his army, environed round with his guards and soldiers, by a poor, simple, weak religionist, or friar: yet considering, on the other side, the great and grievous sins of this king, and special providence of the Almighty herein, and by what a strange and wonderful way he hath accomplished his most just will and judgment against him, then we fully and most firmly believe it; and therefore this great and miraculous work we are to ascribe to a particular providence of God

dentarios eventus perperam referre intelligimus,) prorsus non licet; sicut ii, qui totius facti seriem pressius observant, facile videre possunt, ubi plurima intervenerunt, quæ ab homine nisi Dei speciali concurrent auxilio, expediri non quiverant. Et sane Regum ac Regnorum rationes, cæteraq. tam rara tintiq. momenti negotia a Deo temere administrari non est existimandum. Sunt in sacra historia nonnulla hujus generis, nec eorum quidquam potest alio, quam ad Deum Authorem referri: tamen nihil est, ubi magis claret superna operatio, quam in isto, de quo nunc agimus.

only, not as those that erroneously refer all things unto some ordinary causes, or unto fortune, or such like accidentary events, but as those who (more nearly observing and looking into the course of the whole matter) do easily see that there were many things intervening in it, which could not have been brought to pass and dispatched without the special help of God. And truly the state of kings and kingdoms, and all other such rare and weighty affairs, should not be thought to be governed by God, rashly and unadvisedly; there are some instances in holy writ of this nature, and none of them can be referred unto any other cause but God only, but yet there is none wherein the cœlestial operation more appeareth, than in this whereof we are now speaking.

Libr. Maccab. 1. chap. vi. legimus, Eleazarum, ut Regem populi Dei persecutorem, ac hostem tolleret, seipsum certæ morti obtulisse. Nam in conflictu conspiciens elephantem cæteris eminentiorem, in quo videbatur rex esse, concito cursu in mediam hostium turmam se conjiciens; hinc inde viam vi sternens, ad belluam venit, atque sub eam intravit, subjectoque gladio peremit, quæ cadens oppressit Eleazarum et extinxit. Hic quoad zelum, et animi robur, reique tentatæ exitum, aliquid hujus nostri simile cernimus, tamen in reliquis nihil est comparabile. Eleazarus erat miles, armis et pugna exercitatus, in ipso prælio constitutus, adoreque animi, et furore (ut fit) accensus: iste Monachus præliis ac pugnis non erat assuefactus, et a sanguine vitæ suæ initituto ita abhorrens, ut nec ex venæ incisione fusum cruorem forsan serre potuerit.

We read in the first book of Maccabees, chap. vi. how Eleazar run himself upon a certain death, to kill the king that was an enemy and persecutor of the people and children of God; for in the battle, espying an elephant higher and more stately than the rest, whereon it was likely the king rode, with a swift pace casting himself into the midst of his enemies troops, here and there making his way by force, he came to the beast at last, and went under her, and thrust his sword into her belly, and slew her, who, falling with the great weight of her body pressed him to death, and killed him out of hand. Here, in this instance, we may see something not unlike to ours, viz. as to zeal, valiantness of mind, and the issue of the enterprize, but in the rest there is no comparison to be made. Eleazar was a soldier exercised in weapons and trained up in wars, set in battle, emboldened with courage, inflamed with rage and anger: This a friar not inured to fighting, and so abhorring blood by the order of his profession, that perhaps he could not abide the cutting of a vein.

Ille noverat genus mortis, simulque locum sepulturæ suæ, nempe quod ruina belluæ inclusus magis, quam oppressus, suo sepeliretur triumpho: iste mortem, ac tormenta crudeliora, et incognita expectabat, sepulchroque se carituram non dubitabat.

He knew the kind of his death, as also the place of his burial; namely, that he should be entombed under the fall of the beast, and so buried in the midst of his triumph and victory. This man looked for a certain death, and expected nothing

Sed et alia multa dissimilia sunt. Nota quoq. est insignis illa historia sanctæ mulieris Judith quæ et ipsa, ut obsessam civitatem suam, ac populum Dei liberaret, cepit consilium, Deo sine controversia, suggestore, de interimendo Holopherne hostilis exercitus principe; quod et perfecit. In quo opere licet plurima, et apertissima supernæ directionis indicia appareant, tamen longe majora divinæ providentiæ argumenta, in istius regis occisione, ac civitatis Parisiensis liberatione conspicere licebit, sicut certe quoad hominem, hoc fuit illo magis difficile, vel impossibile.

but unknown and most cruel torments, and did not doubt before but that he should want a grave to rest within. But there be many other things wherein these two instances can suffer no comparison. The famous history of the holy woman Judith is sufficiently known, who determined with herself, (God, no doubt, moving her to it) that she might deliver the city and the people of God, to murder Holophernes, the general and chief commander of the enemies forces, which she most effectually accomplished. Wherein although appear many and most manifest signs of heavenly direction, yet far greater arguments of God's providence are to be seen in killing of this king, and the delivering of the city of Paris, far more difficult and harder to be brought to pass than was the enterprize of Judith. For this holy woman discovered her intention to some of the governors of the city, and passed through in sight and presence of the elders and princes of that place; and by that means was not subject unto their examination and searching (which is always used so strictly in time of siege and war, that a fly can hardly without examination escape them.) She being come to the enemy, through whose company and watches she was to go, and oftentimes searched and examined, being a woman, and carrying no letters nor weapons about her, from whence any suspicion might arise, and with all yielding reasons of her coming thither, and abandoning relatives, was easily discharged, and not only upon the fore-mentioned causes, but also for her sex and exquisite beauty, being brought before this lewd and unchast prince, she might perform that which she had determined before. This is Judith's case.

Nam illa sancta fœmina intentionem suam aliquibus urbis presbyteris aperuit, portamque civitatis, et custodiam pertransiit illis præsentibus, ac approbantibus ut proinde scrutationi, vel explorationi, quæ obsidionis tempore solet esse tam exacta, ut ne musca fere sine examine egredi queat, non potuerit esse subjecta.

Apud hostes vero, per quorum castra, et varias excubias transeundum erat, sæpius explorata, et examinata cum fœmina esset, nec quidquam haberet vel literarum, vel armorum, unde suspicio oriri potuit, deque adventu in castra, et a suis, fugæ probabiles reddens rationes, facile dimittebatur.

Sicut tam propter easdem causas, quam propter sexum, et formæ excellentiam ad principem impudicum introduci, et in temulentum, facile quod designavit, perficere valuit. Ita illa.

Hic vero religiosus aggressus est, et confecit rem longe majorem, pluribusque impedimentis, ac tantis difficultatibus, periculisque obsitam, ut nulla prudentia, aut astutia humana, nec alio modo, nisi aperta Dei ordinatione, ac succursu confici potuerit. Debebant obtineri litteræ commendatitiæ ab iis, qui erant contrariæ factionis; transeundum erat per eam urbis portam qua itur ad castra hostium; quæ ita sine

But this religious man undertook and performed a matter of greater weight; encompassed with so many impediments, difficulties, and dangers, that no subtility of man, no human policy, nor any worldly wisdom, but only the clear and visible providence of God, and his special aid, could bring it to pass. First letters commendatory were to be procured of the contrary party, then was he constrained to go through that gate

dubio in illis obsidionis angustiss custodiebatur, ut cuncta haberentur suspecta, nec cuiquam sine curiosissima exploratione de litteris, nunciis, negotiis, armis, pateret exitus.

Sed iste (res mira) vigiles pretransiit sine examine, etiam cum litteris credentiæ ad hostem, quæ si fuissent interceptæ a civibus, sine mora, ac sine ulteriori judicio de vita fuisset actum, atque apertum hoc divinæ providentiæ argumentum: sed majus miraculum est illud, quod idem mox sine omni exploratione transierit quoq; castra hostium, varias militum excubias, ipsamqu; corporis regis custodiam, ac totum deniq; exercitum, qui fere erat conflatus ex hæreticis, ipse religiosus existens, et in habitu ordinis sui, qui ita erat exosus talibus, hominibus ut in illis locis, quæ paulo ante propte Parisios vi ceperant, monachos quosq; vel occiderint, vel pessime tractaverent.

Judith erat fœmina, minimeq; odiosa; tamen examinata sæpe, illa nihil secum tulit, unde sibi oriretur periculum. Iste monachus, et propterea odiosus, ac suspectissimus, etiam cum cultello ad hoc propositum præparato, non in vagina condito (unde poterat esse probabilis excusatio) sed nudo, ac in manica abscondito, quem si invenissent, mox fuisset in crucem actus.

Ista omnia clariora sunt particularis providentiæ divinæ argumenta, quam ut negari queat: nec aliter fieri potuit, quam ut a Deo occœcarentur oculis inimicorum ne agnoscerent illum.

Nam, ut antea diximus, licet quidam ista absurde tribuant fortunæ, aut casui, tamen nos hoc totum non alio referendum censemus, quam in divinam voluntatem.

Nec profecto aliter factum crederem, nisi captivarem intellectum in obsequium Christi, qui hoc modo admirabili, et liberare civitatem Parisiensum (quam variis viis intelleximus fuisse in summo discrimine, maximisque angustiis constitutam) et istius

of the city that led to the enemies camp; the which without doubt was so narrowly kept and watched in the extremity of that siege, that every trifle bred suspicion, and none were suffered to go forth without narrow searching before, touching their letters, messages, business, and affairs they had. But he (a wonderful thing!) passed through the watch unexamined, yea with letters credential unto the enemy; which, if they had been intercepted by the citizens, without any delay and further tryal, he should have been executed presently. And therefore this is a manifest argument of God's providence. But this is a far greater miracle, that he without searching went also through the enemies camp, by divers watches and sentinels; and, which is more, through the king's guard du corps; and, finally, through the whole army, which was made up mostly of hereticks; he being a religious man, and clad in the habit of his order, which was so odious a garb to those men, that they either killed or severely treated all those fryars whom they found in those places, which not long before they had taken about Paris. Judith was a woman, and nothing odious, yet examined often; she carried nothing that might have turned to her danger and destruction. This man, a fryar, and therefore hated, and most suspected, having also a knife prepared for that purpose, not in a scabbard, (which might have made his excuse probable) but naked, and concealed in his sleeve; which, if it had been found about him, he would (questionless) have been put to death immediately. All these are such clear arguments of the particular providence of God, that they cannot be denied; neither could it otherwise be but that God blinded the eyes of the enemy, that they could not see nor know him. For (as we have said before) although some do absurdly ascribe this unto fortune, or chance, yet none can refer the whole matter to other cause but the will and holy purpose of God. And indeed I could not believe this to have been done otherwise, unless I should captive or submit my understanding to the obedience of Christ, who determined, by those miraculous means, to deliver and set at liberty

rgis gravissima peccata punire, eumque tam infausta, et infami morte e medio tollere statuit. Atque nos, dolentes sane, aliquoties prædiximus fore, ut quemadmodum erat familiæ suæ ultimus, ita aliquem insuetum, et dedecorosum vitæ exitum esset habiturus. Quod me dixisse non solum cardinales Joiosa, Lenocortius, et Parisiensis, sed etiam, qui tunc apud nos residebat orator, testes esse possunt.

Neque enim hic mortuos, sed viventes in testimonium hujusmodi verborum nostrorum adhibemus, quorum isti omnes probe meminisse possunt. Quidquid tamen in hunc infœlicem regem hoc tempore dicere cogimur, nullo modo volumus, ut pertineat ad nobilissimum illud Galliæ regnum, quod nos imposterum, sicut hactenus semper omni paterno amore, ac honore prosequemur. De persona ergo regis tantum ista cum dolore diximus, cujus infaustus finis eximit quoque ipsum ab iis officiis, quæ solet hæc sancta sedes (quæ est pia mater omnium fidelium, et maxime christianorum principium) imperatoribus et regibus post mortem exhibere: quæ pro isto libenter quoque fecissemus, nisi id fieri in hoc casu sacræ scripturæ vetarent.

Est, inquit S. Joannes peccatum ad mortem, non pro illo dico ut roget quis: quod vel intelligi potest de peccato, vel pro remissione illius peccati nolo ut quisquam roget, quoniam non est remissibile: vel, quod in eundem sensum redit, pro illo homine, qui peccat peccatum ad mortem, non dico ut roget quis. De quo genere etiam Salvator apud Mat. quod illi, qui peccat in Spiritum Sanctum, non remittetur, neque in hoc fæculo, neque in futuro. Ubi facit tria genera peccatorum, nimirum in patrem, in filium, et in Spiritum Sanctum; atque priora duo esse minus gravia, et remissibilia, tertium vero irremissibile, quæ tota differentia, sicut ex scripturis scholæ tradunt oritur ex distinctione at-

the city of Paris, (which, as we have heard, was in great danger and extremity) and to punish the notorious sins of that king, and to deprive him of this life by such an unhappy and infamous kind of death; and we truly (not without great inward grief) have oftentimes foretold, that as he was the last of his name and family, so was he like to have and make some strange and shameful end of his life. And that I have several times said this thing, not only the cardinals Joiosa, Lenocortius, and Parisiensis, but also the orator, at that time here resident, can sufficiently testify. For we mean not to call the dead to attest our words, but the living; some whereof at this very present do yet well remember them. But whatsoever we have been forced to speak against this unfortunate king, we would by no means have it thought to be intended against the noble realm of France; which we shall embrace and foster hereafter, as we have hitherto always done, with all fatherly love, honour, and affection. This therefore, which we with grief have spoken, concerns the king's person only, whose unhappy and unlucky end deprives him also of those honourable offices and respects, which this holy seat (the tender mother of all faithful, but especially of Christian princes) is wont to pay to emperors and kings; which we most willingly would likewise have bestowed on him, if the holy scriptures in this case had not altogether forbidden it.

There is, saith St John, a sin unto death; I say not that any should pray for it, which may be understood either of the sin itself, as if he should say, for that sin, or for the remission of that sin, I will that none should pray, because it is not pardonable: or else, which comes to the same sense, for that man who committeth such a sin unto death, I say not that any should pray for; of which sin our Saviour himself has spoken in St Matthew, saying, that he that sinneth against the Holy Ghost shall not be forgiven neither in this world, nor in the world to come; where he setteth down three sorts or kinds of sins, to wit, against the Father, against the Son, and against the Holy Ghost; and that the two first

tributorum, quæ singula singulis personis sanctissimæ Trinitatis appropriantur.

Licet enim, sicut eadem est essentia, sic eadem quoque est potentia, sapientia, et bonitas omnium personarum (sicut ex symbolo S. Athanasii didicimus, cum ait, Omnipotens Pater, Omnipotens Filius, Omnipotens Spiritus Sanctus;) tamen per attributionem, patri applicatur potentia, filio sapientia, spiritui Sancto Amor; quorum singula eo modo attributa dicuntur, ita sunt propria cuquo jusq. personæ, ut in aliam referri non queant; ex quorum attributorum contrariis, et distinctionem, et gravitatem peccatorum dignoscimus.

Contrarium potentiæ, quæ attribuitur patri, est infirmitas; ut proinde id quod ex infirmitate, seu naturæ nostræ imbecillitate committimus, dicatur committi in patrem.

Oppositum sapientiæ est ignorantia, ex quâ cum quis peccat, dicitur peccare in filium; ita ut ea, quæ vel ex humanâ infirmitate, vel ignoratione peccamus, facilius nobis condonari soleant.

Tertium autem attributum, quod est Spiritus Sancti, nempe amor, habet pro contrario ingratitudinem, vitium maxime odibile: unde venit, ut homo non agnoscat Dei erga ipsum dilectionem, aut beneficia; sed obliviscatur, contemnat, ac odio etiam habeat. Ex quo tandem fit, ut obstinatus reddatur, atq; impœnitens atq; his modis multo gravius et periculosius peccatur in Deum, quam ex ignorantia, aut imbecillitate; proinde hujusmodi vocantur peccata in Spiritum Sanctum.

Et quia rarius, ac difficilius, et non nisi abundatiori gratia condonantur, dicuntur, irremissibilia quodammodo; cum tamen sola impœnitentia sit omnino et simpliciter irremissibilis: quicquid enim in vita committitur, licet contra Spiritum Sanctum, potest per pœnitentiam deleri ante mortem. Sed qui perseverat usq; ad mortem, nullum locum relinquit gratiæ ac

are less heinous and pardonable, but that the third is altogether unpardonable. All which difference proceedeth from the distinction of the attributes, (as the schools teach us out of the holy scriptures) which severally are appropriated to every several person of the holy Trinity. For although as the essence of all the three persons is but one, so also is their power, wisdom, and goodness (as we have learned out of St Athanasius's creed, when he says, "the Father almighty, the Son almighty, and the Holy Ghost almighty,") yet by the attribution, power is ascribed unto the Father, wisdom unto the Son, and love unto the Holy Ghost; whereof every several, as they are termed attributes, are so proper unto every several person, that they cannot be attributed and referred unto any other. By the contraries of which attributes, we come to discern the distinction and greatness of sin. The contrary to power, which is attributed to the Father, is weakness or infirmity, and therefore that which we do amiss, through infirmity or weakness of nature, is said to be committed against the Father; the opposite unto wisdom is ignorance, through which, when any man sinneth, he is said to sin against the Son, and therefore what we commit through natural infirmity, or ignorance, is more easily forgiven us. The third attribute, which is the Holy Ghost's, is love, and hath for its contrary ingratitude, a vice most detestable and odious, which causeth men not to acknowledge the love of God and his benefits bestowed upon them, but to forget, despise, yea, and to hate them, and from hence at last it comes to pass that they prove obstinate and impenitent. And thus to sin against God is far more dangerous and dreadful than if it were done either through ignorance or natural infirmity, and therefore it is termed a sin against the Holy Ghost; and because such sins are seldom and hardly, and not without great abundance of grace pardoned, in some sort they are said to be unpardonable. Whereas final impenitence only is really and simply unpardonable. For whatsoever is done amiss in this life, although it be against the Holy Ghost, yet by repentance it may be wiped out or done away before we die,

misericordiæ: atq ; pro tali peccato, seu pro homine sic peccante, noluit apostolus ut post mortem oraremus.

Jam ergo qui magno nostro dolore intelligimus, prædictum regem ex hac vita sine pœnitentia, seu impœnitentem excessisse, nimirum in confortio hæreticorum; ex talibus enim hominibus confecerat exercitum suum; et quod commendaverat moriens regnum in successione Navarræ declarato hæreticorum; ex talibus enim hominibus confecerat exercitum suum: et quod commendaverat moriens regnum in successione Navarræ declarato hæretico, et excommunicato; necnon in extremis, ac in ultimo fere vitæ spiritu ab eodem, et similibus circumstantibus petierit, ut vindictam sumerent de iis, quos ipse judicabat fuisse causas mortis suæ. Propter hæc, et similia manifesta impœnitentiæ indicia, decrevimus pro ipso non esse celebrandas exequias, non quod præsumamus quidquam ex hoc de occultis erga ipsum Dei judiciis, aut misericordiis, qui poterat secundum bene placitum suum in ipso exitu animæ suæ convertere cor ejus, et misericorditer cum illo agere; sed ista locuti sumus secundum ea, quæ nobis exterius patent. Faxit benignissimus Salvator noster, ut reliqui hoc horrendo justitiæ supernæ exemplo admoniti, in viam salutis redeant, et quod misericorditer hoc modo cœpit, benigne prosequatur, ac perficiat, sicut eum facturum speramus: ut de erepta ecclesia de tantis malis, et periculis, perennes illi gratias agamus.

but they that persevere therein till death are excluded from all grace and mercy hereafter. And therefore for such sins or sinners the apostle hath forbidden to pray after their decease. Now, therefore, because we understand, not without great grief, that the aforesaid king departed this life without repentance or impenitent, to wit, in the communion and fellowship of hereticks, (for all his army was made up almost of none other but of such men,) and by his last will he commended and made over his crown and kingdom to the succession of Navarre, long since declared an heretick, and excommunicated; as also in his extremity, and now ready to yield up the Ghost, desired of him, and such as he was then standing by, that they would revenge his death upon those whom he judged to be the cause thereof. For these, and such like manifest tokens of his impenitency, we have decreed not to solemnize his death with funerals; not that we presume any thing by these concerning God's secret judgment against him, or his mercies towards him, who could according to his good pleasure convert and turn his heart even when his soul was leaving the body, and deal mercifully with him; but this we have spoken, being thereunto moved by these external signs and tokens.

God grant that all, being admonished and warned by this fearful example of heavenly justice, may repent and amend, and that it may further please him to continue and accomplish that which he hath thus mercifully began for us (as we firmly hope he will) to the end we may give everlasting thanks to him that hath delivered his church from such great and imminent dangers.

In quam sententiam cum dixisset pontifex, dimisit consistorium cum benedictione.

When his holiness had thus ended his speech, he broke up the consistory, and dismissed them with his benediction.

This speech is taken from that printed at Paris in the year 1589, the year of the king's death, by Nicholas Niuelle and Rollin Tierry; and set forth with approbation with three doctors of the faculty at Paris, as followeth:

Nous subsignez docteurs en theologie de la faculté de Paris certifions avoir confere ceste harangue prononcée par sa saincte avec l' exemplaire Latin envoye de Rome, et avoir trouve conforme l'un à l'autre.

Boucher.
Decreil.
Ancelin.

A Letter to both Houses of Parliament, on the Subject of their present Proceedings against the Roman Catholics of England. Printed at Paris, 1679.

"The following shrewd, though bitter piece, is one of the many vigorous, but ineffectual efforts, made by the Roman Catholics of this kingdom, to purge themselves from the accusations of Oates and Bedloe, and thereby mitigate the severities which these accusations had drawn down upon them. There is, I think, no need to make any apology at this time of day for giving it a place in this collection. Those who would judge sensibly and uprightly, must hear the prisoner at the bar as well as the accuser; and for want of doing so in the instance before us, few people, out of the pale of the Roman church, believe that any thing material can be said to exculpate the accused. For justice sake, therefore, they ought to be heard, and, if that is allowed, I am absolved."

Thus far the first editor, who, even in his time, seems to have thought some apology necessary for questioning the popish plot, or inserting a piece which went to disapprove its authenticity. The present age hardly requires such a justification on his part.

May it please your Lordships, and you Gentlemen of the House of Commons,

I KNOW the multitude of your affairs, and therefore this interruption shall be no longer than seemeth necessary.

I hope that, since, by permission of authority, Oates (the present infamy of our country) has taken on him the office of councellor, or rather tutor, to his majesty, in the late publication of his fantastic depositions, it will not be needful to apologise for this little admonitory address unto you.

I confess you now receive it from one single hand, but you must likewise be assured, that it is the voice of the whole Christian world; which, because you stifle and suppress it in England, by most severe penalties, your best friends are obliged to impart unto you from beyond sea.

You have raised a most violent persecution against the Roman Catholics; you have thrown many worthy gentlemen into gaols, and constrained others to quit their native country; you have taken away the lives of several honest men, as well by strict and uncharitable imprisonments, as by pretence of justice and form of law; you have aspersed the clearest and unblemished reputations with the foulest stains; you have dreadfully alarmed and inflamed the people, and, in a moment, changed a steady and fruitful peace into most restless and wasting distractions: And all this under colour of a hellish plot that was contrived, and is still carried on, against his majesty's life. This you say is discovered to you by Titus Oates and William Bedloe; and, on their testimony, you have proceeded to so much oppression and blood. And all this while you are not ignorant what reputation your informers have, (viz.) That they are men who, by cheats, robberies, and perjuries, had long since lost all manner of credit; and at this time were grown so indigent, that perhaps their wants had been a temptation strong enough to better consciences for such an advantageous forgery You know, likewise, that as their former falsehoods and perjuries were notorious, so even their

present ones are manifest; and this not only by clouds of witnesses, both catholics and protestants, which, notwithstanding the care taken to prevent it by banishing the one and frightening the other, do yet appear against them; but also, (besides other absurdities) by plain disagreements and palpable contradictions in their own evidence. You know how differently this pretended information hath been given; and how, Proteus-like, it hath changed its shape, being one thing before the privy-council, another before you, a third before the judges.[1] You know how many gross failings have been observed in it, not only by his majesty, but by many of yourselves: You know that the best of your two houses voted the queen innocent of such crimes, as these two villains were not afraid to swear against her,[2] which was no other in effect than to declare the accusation a perjury; you know that the king himself, who is the most concerned, and has had the best opportunity of examining this mock discovery, openly laughs at it:[3] You know what protestations of innocency your humble victims have all hitherto made at their deaths; which (because you think few hearts hard enough to resist so moving and convincing a proof) all your narratives of their executions conceal, and your ordinary discourses find out such pitiful evasions, that I, even I, am ashamed to mention them; for how can any one believe that catholics have dispensations to attest lies (even to the professing themselves protestants, as was said in Bery's case) at their going out of the world, and being ready to appear before the dreadful and most exact tribunal of Almighty God; when every body knows that, in all ages, since your reformation, some of them have lost their employments, some their estates, others their lives, for not taking your oaths and tests; which such dispensations as you speak of would have made most easy for them to do, and consequently have frustrated the effect of the penal laws, and sheltered them from the numerous and heavy persecutions, which, from time to time, have been, and are at present, most thickly showered upon them? Lastly, you cannot but see how highly improbable it is that there should have been an army of forty or fifty thousand conspirators in readiness, and yet, on this discovery, no other sign or evidence should appear of so great a thing but the bare assertion of one or two infamous rogues; and you yourselves are so sensible hereof, that though, on the account of a plot, you kill and slay, yet you seem so far dissatisfied with any evidence you have of it hitherto, as still to keep fasts and days of humiliations, that God would help you to discover it farther, and what (I presume) you hold the most efficacious way of augmenting the number of your discoveries, you are ready to free any rascal out of the vilest prison, who has wit enough to frame a little tale on this subject, adding reward to his liberty; and from being beneath a beggar, raising him to the port and equipage of a lord. What shall I say of all this, or rather, what does the whole world say of it? But that you seem at once to have lost all prudence, honesty, and shame, there being nothing more imprudent than thus, by countenancing perjury and falsehood, to encourage the like (when occasion shall give way) against yourselves, nothing more unjust than by form of justice to wrong the innocent; and lastly, nothing more shameless than to act the most ridiculous, barbarous cruelties on the theatre of the world, and in the view of all man-

[1] One great art of Oates and his fellow-witnesses was, never to assert that their information comprehended all that they knew, but only all that they thought proper to discover as yet. Thus they had a secret reserve of evidence to bring forwards, as they saw the people disposed to swallow larger and grosser fictions. Such testimony and such language would have been endured in no other age and country.

[2] Oates had the insolence to impeach the queen as an accessary to the plot. "They think," said the good-natured Charles, when he heard this circumstance, "that I am weary of my wife, but I will not suffer an innocent woman to be oppressed." Accordingly he commanded Oates to be imprisoned, who speedily saw the necessity of softening down his evidence on this dangerous topic.

[3] Sir John Reresby mentions having been present at the Duchess of Portsmouth's, where the king was very open as to the witnesses of the plot, arguing to demonstration, that their testimony was not only incredible but impossible.—*Memoirs*, p. 103.

kind? Are you not afraid, that not only Christians, for your violence to Christianity, but even Turks and infidels, will unite against you as the common enemy of human nature? And if your pride lift you above those fears, are you not at least apprehensive of divine vengeance? Have you so soon forgot in how many miseries, and what strange confusions, our poor nation was overwhelmed, by heats far less than these? God Almighty, it is true, has strangely restored us back our quiet and tranquillity: but, when he does any such favour, as well to nations as to particular persons, he always adds a *Noli amplius peccare, &c.* "Sin no more, lest a worse thing happen unto thee." We are now beginning to sin again; and, if we hold on the course, what can we expect, but that this worse thing, which is to come upon us, should be but even the total ruin of our country, and the extirpation of our people? I confess that some of you are so ingenuous as to acknowledge, that the accusations against us are calumnies and improbable falsehoods: but, say you, we have need of them. What hath need of them? your property or your religion? You will not say the first, (because, supposing those dangers real, which some treacherously feign, and others as inconsiderately fear) you ought to have so much (not to say of Christianity, but) gentility in you, as to use forgery as little, for the preserving, as you would for the procuring an estate; and then certainly you will easily grant, that religion must have less to do with any such thing; since, for it to stand in need of lies for its support and maintenance, is a strong evidence that it proceeds from the father of them, and is itself a most dangerous impostor. But the sufferers are priests, or at least papists, and though innocent of the crimes objected to them, yet the priesthood of the one being treason, and the religion of the other (if not in law, yet in our opinion) as criminal; we, for our parts, cannot think that they are wronged, when (though, on another score) they are put to death. —Such fancies as these are nothing else but slights and artifices of our subtle adversary, wherewith he endeavours to quiet that remorse of conscience which commonly is felt at the entrance of its wickedness. My design, however, is not to insist on the defence of our religion; give me leave only to propose, in few words, to your consideration, how inconsistent it is with your profession, and how unwarrantable by your own principles, to persecute on that account; pray reflect on this dilemma: either God Almighty hath left us some living guide or guides, here on earth, for the interpreting holy writ, and directing us in all other points of religion, and, under pain of damnation, hath obliged us to follow the same; or else he hath left this task to each of us in particular, imparting to us the authority of being our own guides, and freeing us from all necessity of submission to any other. The protestants will deny the former, not only because, in order to their pretended reformation, they assumed a liberty, (as every body knows) most opposite to the obligation of being guided by others, but, because, on the same account, they were forced to assert, that no guides on earth could be infallible; and, consequently, there could be none whom God had indispensably obliged us to obey; it being impossible God should bind us to an obedience, which might possibly (our director being fallible) engage us in error, and prove the cause of our eternal damnation. It follows then, that they must maintain the latter, viz. That (as protestants say) we are not bound to pin our faith on another's sleeve, but impowered by God Almighty to guide ourselves. Do you not perceive, therefore, that in men of your principles, there is not the least excuse for penalties on religion? What are dissenters in religion guilty of, but of presuming to guide themselves, and follow their own consciences, which you confess is nothing else but what they are authorized to do by God himself? So that really, when you punish for religion, you seem to deal no better with God Almighty than often you do with his majesty, whenever, in his presence, you correct that in his ministers, which you know is done, not only by his approbation, but command. I know not what arts you may use to lessen monarchy here on earth; but, I hope, you will allow the King of Heaven to be absolute. But, after all, if you

think that their religion deserves death, in God's name let them die for it; they own their religion, and you may ease yourselves of Mr Oates and Mr Bedloe; and cry out with Caiphas, What need have we of further witnesses? It is not lawful for you to murther their reputations, also, by traducing those who have no other crime, but their faith, as incendiaries and traitors. And though I should grant you, (contrary to what yourselves believe) that they have deserved all this, and whatever else they suffer, it does not follow, that, therefore, it is lawful for you to procure the punishment of their crimes, by committing others. I believe that many of you would scruple to take a false oath against them; and am confident that none of you would declare it lawful so to do. Now, that other opiate for the conscience of easing yourselves, that the whole weight of perjury lieth on Oates and Bedloe, is as frivolous and weak an excuse as what I have already mentioned. Are you not taught by reason and the common proverb, that the concealer is as bad as the thief? whosoever buyeth stolen goods, knowing them to be such, or conceals the felon, involves himself in the theft? It is true, the knights of the post are Oates and Bedloe; but you both purchase the false oaths and protect the swearers. And, I believe, in the last day, (for as much as concerns this matter) it will be more tolerable for Oates and Bedloe than for you, since your crime seems to be the same with theirs; yet their extreme want, and most desperate necessity, was a greater temptation, than any thing could be to you, who had no wants, but what your groundless apprehensions framed to yourselves. Nay, more than this, setting aside Mr Oates, you not only are those who countenance, but also have drawn on the rest, laying baits for them, and with large promises, and as effectual performances, even forcing them to come to your lure; and this to such a degree, that, considering your rewards, a false oath began to seem the most important piece of service which we could do for our country. Some of you say, ('tis true) you do not believe all that Oates and Bedloe tell you, viz. the design of killing the king, &c. But you cry there is somewhat in it. I beseech you, then, let not what is not in it be punished, but what is; and when it appears by better witnesses than Oates and Bedloe; since either all is true that they swear, or nothing can be guessed, much less credited, on their testimony. Will you, because they swear many great things falsely against us, the more easily believe the less; whereas, should they, to your knowledge, be guilty of perjury but in one single point, you ought in law and conscience to admit of no part of their evidence, but absolutely to reject the whole; and, if so, I presume it would be hard for you to tell me, on what the belief of this somewhat you speak of is grounded, unless you seriously consider thereof; and then, I am of opinion, that you will perceive it to have no other foundation, save only that through prejudice against the Roman catholics, wherein you have been bred, and the hidden desire, which is still nourished in your hearts, of finding somewhat to reproach them with; and, at the same time, appease those doubts which now and then perplex you about religion; and to satisfy your consciences, how little need there is of embracing one so troublesome in its exercise, and (as matters go) so disadvantageous in its profession, by representing it altogether as unholy and impious as it is inconvenient. They are (I say) your prejudice and your interest, which strongly (though, for the most part, imperceptibly) bias and incline your minds to these rash judgments, causing you to make conclusions for which you have no reason; and shewing us how true the maxim is, (whereof you ought to be aware,) viz. *Quod volumus, facile credimus.*

My lords and gentlemen, I trespass on your patience, and almost lose my own: I hope you will attribute to the irregularity of grief, what excess soever this short discourse may be guilty of. It grieves me here, amongst our neighbour-nations, to see our credit (hardly yet whole of its late wounds) to bleed a-fresh with such violence, that already it seems past cure. It grieves me to see the son almost fallen into those hands, which already so lately were embrewed in the blood of the father, and he him-

self (thanks to those papists you now pretend to conspire against him) so narrowly escaped: and if the view of a natural father, being in the like peril, caused a dumb son to break his silence, what wonder is it if the imminent dangers of our common father, yea of our brethren too, I mean all his subjects, should transport one who could speak before, somewhat beyond the ordinary decorum and formalities of custom? The substance is in so much hazard, that, for the saving thereof, it is no great matter if a ceremony be now and then omitted; he were not to be blamed, who, to save a drowning prince, should (without staying to make reverence) readily pull him out of the water by the arms.

What shall I say more? I hope you will pardon me, and look after yourselves: be pleased to pause a little in the midst of this furious career, (though it be only to know how far you can master yourselves) and look, at least, whither it is that you are running so fast; say to yourselves, let us consider what the whole world is now saying to us? Let us examine how far these loud exclamations are reasonable. They who thus cry unto us are men as ourselves, and we may be mistaken as well as they. Let us then consider our own interest and security, the honour of our nation, our allegiance to our prince, and duty to God Almighty, and see how far they are hurt by this monstrous authority, which two or three rogues have gotten amongst us. Let us consider, whether, since the pillory could not free us wholly from the inconvenience of perjuries, an encouragement of them will not increase their number, to the ruin of our commonwealth, and, most deservedly, of ourselves in particular: and why do we talk of perjuries only, when there is neither robbery, sacrilege, murder, firing of houses, nor any other crime which (according to the course we take) may not now be securely committed, since all these things (whenever they happen) are laid on the papists; and though the authors should be discovered, it is enough for them to say that some papists set them on work, and they are so far from punishment, that they are sure of being rewarded. Neither let this escape our thoughts, what it is to shed innocent blood, how deeply it stains, how loudly it cries, and how certainly it is heard: let us also weigh, whether it was the ambition of a few, and the foolish credulity of many, hanged us by the late rebellion; and whether or no, (considering the posture of our neighbours) that present dissentions are not like to have a worse end. Let us, in spite of passion, prejudice, and popular mistakes, set straight, once more, the balance of justice, afford free and impartial hearing to both sides; weighing the quality and credibility, as well as the number of witnesses, boldly declare what we shall find on a sincere enquiry, and, in conclusion, act accordingly. Let those who are any wise moved, either by their own serious reflection, or by this piece of paper, (which, perhaps, one day, will be produced against some, with more justice, than several letters have of late been urged for the evidence of a conspiration) take courage! God will assist those who are thoroughly resolved to be honest. Darius threw innocent Daniel into the lion's den, for fear of those who said to him, *aut trade nobis Danielem, aut interficiemus te,* and yet the next day, (Daniel's safety, most probably, having given him a greater confidence in God,) he was not afraid to cast all those into the same den, with their wives and children, who, but the day before, had terrified him, even to the wronging of his conscience, and destroying his best friends; and they who then threatened him, and, by making him yield unto an impiety, were consequently his masters, as soon as he became resolved to do justice, dared not so much as to stir a finger against him.

My lords and gentlemen, there is a certain strength in honesty which nothing can vanquish. Virtue has not any opposite, but what is of the nature of the devil, who is so easily overcome, that barely to resist him (as our Lord assures us) is to put him to flight. I beseech the same Lord to take away these evil and malignant heats which are amongst you, and, instead thereof, to inspire you with a zeal for religion, which so essentially requireth an exact justice, that, in truth, it is nothing else; and therefore you find

throughout the scripture, that justice, or (as you translate) righteousness, and the service of God (viz. religion) are terms equivalent; and, if so, I hope the earnestness that I have here shewn for justice, which is so necessary a qualification for one of God's servants, will not cause me to seem the less,

My Lords and Gentlemen,

Paris, June $\frac{17}{27}$. Your most faithful and most humble servant,

F. P.

A Postscript to the House of Commons.

Gentlemen,

Since the above was written, we are told of several strange votes lately passed your house, wherein (whilst we thought that there could be nothing more wonderful than what we had already heard of you) we are made to see, that you, at least, can outdo yourselves: One of your votes (want of time compelling me to leave the rest for another opportunity) is to this purpose:

"That in case his majesty (which God forbid) should come to any violent death, you will (at all adventures) charge the catholics with the treason, and revenge it on their whole body in England."

I beseech you, gentlemen, what other comment can be made of this loyal result of your deliberations, but that, in effect, it is to induce any one who is not a papist to kill the king, by telling him before hand, that his crime shall be laid on others? And the [1] world is of opinion, (which God in his mercy prevent) that by this vote some of you design nothing else but to make the way easier to that abominable fact, which you pretend to hinder; and also to prepare and teach the people how to resent it when it is done: I must confess that your vote would have been just enough, had none but papists been capable of such a villainy; or had all the protestants, quitting the claim of being infallible in their general body, made themselves impeccable in their particular persons; or had it been necessary, that whatsoever some one or more of the papists should act, their whole communion should have contrived or approved: But the case is quite different: We have seen by experience, that in England the catholics are so far from being the only enemies to the life of the king, that there was so great a multitude of those enemies amongst the protestants, that they were strong enough to destroy it, when the opposite party, though assisted by the catholics, was not able to defend it: Is it not an absurd case to be considered, that poor catholics, who so [2] unanimously and gallantly hazarded their lives for that of their prince, and

[1] Meaning the catholic world: For as yet the protestants were far from giving that sanction to any such uncharitable councils.

[2] This can never be allowed, unless it be first granted, that the rebellion in Ireland, and the massacre of the protestants there, was for the king's service, and undertaken by his authority. It appears also, that they sometimes relented in point of conscience, as well as loyalty; witness the following petition to the Rump-Parliament, which was printed in the year 1670. As it is said in the title page, by the care of M. M. for general satisfaction.

To the supreme Authority of this Nation, the Parliament of the Commonweal of England.

The humble Petition of the Roman Catholics,

Sheweth,

That your petitioners have long waited some happy leisure, when there might be a hearing allowed them of their many sad pressures, the weight whereof hath sunk them so ruinously low, that they are utterly disabled to discharge their many debts, make the least provision for their children, or relieve themselves, reduced to extreme necessities.

That even such of your petitioners as are sequestered for delinquency, have still comforted their sorrows with this hope, that at last they should certainly be received to mercy; since the general votes for composition of the 17th of March, 1648, seem clearly to imply them capable thereof, when the rules concerning them should be agreed upon.

are always ready to do the same, should now (right or wrong) be marked out for the only sufferers, if ever (which God forbid) their prince should happen to be killed, when there are still so many of the old regicides not only alive, but in vogue and authority, and so many of their sons who have double portions of their fathers spirits. How many over-heated presbyterians, fifth-monarchymen, and other fanatics, are there in England, who have conveniencies fit enough for such an exploit, and, with wresting a text or two in scripture, are able to perform ten times more than what you pretend the papists do with dispensations from the pope? You may perceive by the late barbarous murder of the Archbishop of St Andrews, (Sharp) Primate of Scotland, what regard they have to your sacred dignities. And here give me leave to tell you, that it is more than highly probable, that these Scottish gospel-bravoes were encouraged to such a horrid fact, by the present mode (which preceded your vote) of casting all things of this nature on the papists; and I know not but ere now they may have found a trick of throwing this also upon their shoulders, in imitation of what was most inhumanly done on the accident of Justice Godfrey's death, wherein they not only lost the benefit of a very good friend, but were supposed, most unreasonably, and without the least hope of other advantage, to have murthered him themselves. Who can apprehend, that the whole body of catholics, who are in jeopardy of having their throats cut, on every less murder that happens, should contrive or agree to such an attempt against his majesty, which, should it come to pass, by unknown authors, would (whenever you are pleased to vote) expose them to the danger of being torn in pieces by the rabble: What is truly to be feared is, that some *ex vobis ipsis*, infected with the old itch, as well of plunder as of domineering, should use means (especially, should your claim to omnipotency urge you to think of disinheriting the heir apparent) to assassinate the king, and thereupon massacre and spoil the papists, and then set up your beloved twins, presbytery and a commonwealth; wherein (if God interposeth not) you will effectually accomplish what you falsely pretended the catholics have designed, viz. The murder of the king, the change of the government, and the subversion of the protestant religion. And then, perhaps, many, who were big with this feigned plot, and expected great exaltations from it, will find their mistake, and perceive that the young viper has eaten through that wherein it was conceived. And amongst others, let my lords the bishops (some of whom, on pretence of ensuring their gospel, thought fit to preach up Oates and Bedloe) that those assassinates of Scotland are only the extreme parts (viz. the nails and claws) of that great body, who, though they now breakfast on us, will not fail to dine on their lordships, and so (that they may have somewhat to think of as well as the rest) fat themselves up likewise for them, whom God in his just anger shall appoint to devour them.

Discite Justitiam moniti.

That now the wisdom of the parliament, applying itself to establish the people of this commonwealth in a quiet and settled condition, your petitioners take up an humble confidence that they alone shall not be excluded from so universal a benefit.

And therefore humbly pray, That the laws and proceedings concerning them may be taken into consideration, and such clemency and compassion used towards them by composition, or otherwise, as, in the judgment of this honourable house, may consist with the public peace, and your petitioners comfortable living in their native country.

And they further humbly pray, That it would please the parliament to vouchsafe them the permission of their declaring their religion, from whatsoever may be inconsistent with government; which will assuredly be done to full satisfaction, if there may be a committee appointed by this honourable house, whom they may have the privilege to attend.

And your petitioners shall ever pray, &c.

The present great Interest both of King and People: In a Letter written to one of the Lords of the Privy-Council.

By a Lover of his King and Country.

This tract was also the growth of the year 1679, and exhibits the most lively picture of the old cavaliers, at this remarkable crisis, that can any where be met with, alike zealous against protestants and papist nonconformists, and ever giving the church the upper hand of the crown. Who the writer was it is scarce possible to guess: But whoever he was, his knowledge of the public distempers was only exceeded by his ardour to remove them: And the violence of that ardour hurries him sometimes into as flagrant fanaticisms as the fanatics themselves (as they were called) could be guilty of.

My Lord,

I have so often resolved to wait on your lordship, and as often been disappointed of those resolutions, by such public concerns as did intervene, that I now resolve, what should then have been the subject of my discourse with your lordship, had my occasions permitted me to come to London, shall be now comprised in this short epistle; and I hope your lordship will not despise the well meant offering of your lordship's old acquaintance.

My lord, among the rest of other matters, (during twenty years last past) I have particularly taken notice of the most remarkable public occurrences that have been in this nation; and when I review them, to me they seem strange. I will only observe, with your lordship's leave, these things: First, my lord, you cannot but remember with what an universal joy did all parties amongst us, even as one man, receive the king at his return. England looked like the most peaceable paradise in the world: We began to entertain the old English spirit again of love and loyalty. But behold! how soon our growing hopes were blasted, and all hands at work to hinder any settlement either in church or state.

First, The old enemy of our religion, the papist, attempts the greatest personages with their nicknacks of religion, and had an excellent harvest; especially among a sort of religious women, who, when they had thrown off all sense of modesty and honesty, sheltered themselves under the priests shroud of confession and absolution: A rare way to find out the intrigues of protestant princes!

Secondly, The sectarian he immediately steps in too, with disputes about the garments of religion, and must needs have long conferences at the Savoy, whether was most apostolical, a short cloak, or a Holland surplice, &c. And yet these zealots pretend, the articles of religion in the church of England are sound. But King James, I remember, told us, he knew that sort of men very well, that they would be always demanding alterations in religious establishments; but could never agree among themselves, what 'twas they would have and be quiet.

Thirdly, A sort of wild fantastic men, called fifth-monarchy-men, arose to disturb our peace, which would have neither church nor monarchy, as established; but overturn all, to bring down our Saviour to reign personally amongst them: and no doubt he would have had admirable subjects!

Fourthly, With these, in comes a torrent of atheism and debauchery, as if all sense of good and evil were quite obliterated out of their minds. What cursing, swearing, whoring, blaspheming, even in the face of the sun! all manner of filthiness, even to a prodigy! and he was no gentleman, nor person of any honour, that had not, in two hours sitting at wine, invented some new modish oath, or found out the late intrigue between the L. B. and the L. P.; laughed at the fopperies of priests, and made lampoons and drolleries on the sacred scriptures themselves: this was and is the practice of our young nobility and gentry, to the great scandal and reproach of their families.

Fifthly, The old, cunning statesman observing this, steps forth, and appears vigorous too, on behalf of the discontented; sets up green-ribband clubs,[1] and lets fall doubtful intelligence at each coffee-house, that it may look two ways, and neither of them true nor understood; has his emissaries every where, to whisper treason and sedition, smite the king through the duke's side, libel and lampoon him, make him the author of the present miseries; cry out daily of property and liberty, that it is like to be invaded; when, quite contrary, their designs are absolutely bent to invade the prerogative of their prince, and render him only the bare compliment of a king, and no more. Yea, they have of late made our citizens statesmen too, whose business lies quite another way (one would think;) every little ale-draper now can tell what the privy-council intend to do a month hence, and what the king ought to do, &c. &c. Very fine by my troth!—Well, but the statesman goes farther yet, for in the country he appears for all the discontented at elections for parliament-men; there he recommends godliness in such a man, courage in another against popish and episcopal plotters; when a man might have heard of some of them thirty years ago, violent against king-plotters; that is, those loyal persons that endeavoured the king's restoration. And now, my lord, we have brought ourselves to so very fine a pass, let me but a little animadvert on what I have observed, and then propose some remedies for the cure of our present misery.

My lord, methinks it should have been impossible, that these things should come to pass in our days as we now see, when we had groaned twenty years under the several tyrannies of mechanic princes, reformation-workmen, sanctified-covenanters, preaching-coblers, and what not? That our great ones should so far forget themselves, as to hearken to the secret whispers of those anti-christian traders, to endeavour a return to that slavery, under which most of the princes of Europe have lain many years; to countenance a religion so full of wickedness of all sorts; and to plot and contrive the death

[1] "This was the club originally called the King's Head Club. The gentlemen of that worthy society held their evening sessions continually at the King's Head Tavern, over against the Inner-Temple Gate. But upon occasion of the signal of a green ribbon agreed to be worn in their hats, in the days of street-engagements, like the coats of arms of valiant knights of old, whereby all the warriors of that society might be distinguished, and not mistake friends for enemies; they were called also the Green Ribbon Club. Their seat was in a sort of carfour at Chancery-Lane-End, a centre of business and company most proper for such anglers of fools. The house was double balconied in the front, as may be yet seen, for the clubsters to issue forth in fresco, with hats and no peruques; pipes in their mouths, merry faces, and diluted throats for vocal encouragement of the canaglia below, at bonfires, on usual and unusual occasions. They admitted all strangers that were confidingly introduced; for it was a main end of their institution to make proselytes, especially of the raw estated youths newly come to town. This copious society were, to the faction in and about London, a sort of executive power, and, by correspondence, all over England. The resolves of the more retired councils and ministry of the faction were brought in here, and orally insinuated to the company whether it were lyes, defamations, commendations, projects, &c. and so, like water diffused, spread all over the town; whereby that which was digested at the club over night was like nourishment at every assembly, male or female, the next day. And thus the younglings tasted of political administration, and took themselves for notable counsellors."—North's *Examen*. 1740. 4. p. 572.

of princes, in order to their design: surely the protestant religion was never well grounded in these persons, or, if it had, they have sinned away all sense of it; that teaches other things in Christianity. Indeed, as for the female sort, that have departed from our church to that of Rome of late years, they were a dishonour to our church, and no protection or allowance is to be found in it to those adulteries and fornications which are their daily practice: so that no wonder they are departed since into that church, where they can sin and repent, &c. and yet be as innocent as the late saints departed at Tyburn. [Meaning those executed for the popish plot.]

And again, methinks the ill success our discontented brethren had in their former enterprizes for reformation, the miseries, murders, ruin both to church and state, and the loss of one of the best of kings, by the hands of their leaders, should deter them from attempting the like again. But, my lord, I have observed among those sort of men, a spirit full of trouble and discontent, let the times be good or bad; for they are and must be even as they fancy. Truly if laws wisely contrived to keep us all quiet be put in execution against them, oh then, the beloved doctrine of persecution is held forth powerfully, to untie the purse-strings of the good women of the congregation; and, to say truth, they have the best harvest. Well, but if no law be put in execution against them, and they are permitted to say and do what they please, truly then one or other of the bishops is suspected popishly inclined, and sometimes they are all so but two. Then again, if a sound able preacher of the church of England, or two, appear against their foppish way of preaching and canting, (as the worthy Sherlock and Falkner have done) so that thereby their congregations begin to grow thin, oh then a hue and cry goes against them, seize the Arminian! he is departed from the church of England's articles, and its homilies! Seize the Socinian, that denies the satisfaction of Christ! so that, were not Mr Sherlock a very tall stout man, Mr Falkner at Lynn, and Dr Jane, under the protestant bishops protection, 'tis ten to one but they had been delivered up to the rabble, as a great man was about 1643, for being charged with the same crimes.[1] And then they are admirable too at recommending public magistrates; if they were but the sons of some of the old rebellion, and have never so little tincture of their father's crime, but especially if they hunt jesuits day and night, and appear at a conventicle at least once a Lord's day; that's the man all the rabble shall be possessed with; he is a precious man to sit in parliament, to defend us, and promote our cause against popery and prelacy.[2]

Now, my lord, for the other sort of monsters that have principally given their helping hand to bring ruin and destruction on us, I mean the debauchees and the atheists, I know not what to say to them: I would only ask the justices of peace and other public magistrates these two questions:

1. Whether, if they had observed to put in execution the laws established in this nation, against these sons of Belial, (who thus bid defiance to God and all things sacred) or had not been frighted from their duty by great examples, we had seen the present misery of this age? Is it not a shame, in a christian kingdom, to permit such monsters amongst us? I cannot forget[3] one of this sort, that is, one of David's fools, that said

[1] Archbishop Laud.

[2] This was Sir William Waller, a Middlesex justice of peace, son of the celebrated parliamentary general. He is thus characterised by North:—"He was the busy justice that was spoke of about the meal-tub, and preached the doctrine of confession to Mrs Celier in Newgate. He was a great inquisitor of priests and jesuits, and gutter (as the term was for stripping) of popish chapels. In which he proceeded with that scandalous rigor as to bring forth the pictures and other furniture of great value, and burn them publicly; which gave occasion to suspect, and some said positively, that under this pretence he kept good things for himself. In a word, he was called the priestcatcher."—NORTH's *Examen*, *p.* 277.

[3] Perhaps Wilmot Earl of Rochester, alluding to this famous satire against mankind:—

Were I (who, to my cost, already am
One of those strange, prodigious creatures, man)

in his heart, &c. and is mighty angry first with himself, for being punished severely for his ill life, then with all mankind; proving they are in a worse condition than beasts, because he himself has suffered like one. A rod for that fool's back!

2. Whether if the magistrates had put in execution the laws made against popish recusants and other sectaries, we had heard of so many plots and contrivances against our king, government, and religion? Then, I say, my lord, let not the king be evil spoken of, that these things are come upon us, but charge it on the careless magistrate, that has forgot God and his duty; and as long as we have such magistracy, we shall wax worse and worse, till we are beyond recovery, and must of necessary consequence be so.

In all ages, the sanction of laws, duly executed, were the best defensatives for any kingdom or commonwealth. 'Twas debauchery, and not observing the laws, brought to nothing the Roman empire. Had our laws been duly executed, should we have heard the cries of the fatherless and widow in our streets so much as we do? Should not cursing, swearing, and blasphemy have been out of fashion, and esteemed dishonourable in the highest, and abandoned by the meanest? Would not adulteries and fornications, and the lewdness of the present times, have crept into the dark, and not appeared so outdaring the laws of modesty, as well as the laws of our land? Judge you that are the magistrates of the land!

My lord, surely it is high time for some of the most prudent among the nobility and gentry, to arise on behalf of God, religion, and the laws, that our king and we perish not together; for if there be not a hook put into the nostrils of these unruly and ungodly persons, 'tis impossible but we shall come to confusion, and every evil work; and also that we in the lower sphere should carry ourselves humbly and loyally to our king, and endeavour to put to silence the turbulent hotspurs of the age, that gape after change in the government: but I hope the Lord will disappoint their expectations, and blast their designs. In order to which I only will, with your lordship's leave, propose these eight things to the consideration of the king, lords and commons; and so shall bid your lordship good-night:

1. Would it not much conduce to the rooting out and destroying the present ill manners of the age, if his sacred majesty would be pleased to appoint fit persons of unquestionable integrity, sobriety, and loyalty, to enquire into the lives of all his officers and servants, from the highest to the lowest; and find out the most expedient way by the law, to reforme the swearer, the blasphemer, the whoremaster, the flatterer, and the lyer, the neglector of God and his worship, or to remove them from his person and service? then would virtue be in fashion at court.

2. That great care be taken to admit none to be justices of peace, but such as are of very unquestionable loyalty, and firm to the church of England, of sober conversation and piety, that would mind an oath: then should our laws be put in execution against offenders, and justice not perverted, to the destruction of our peace and happiness.

3. That since of late, through the wickedness of the times, there hath been indulgence given to dissenters, that some persons be appointed very often to hear them, in order to put an awe upon them, lest they preach against the established government; and that reward be given to such persons employed in that service.

4. That the nurseries of sedition and rebellion (coffee-houses) be forthwith put down,

> A spirit free, to chuse for my own share,
> What case of flesh and blood I pleas'd to wear,
> I'd be a dog, a monkey, or a bear;
> Or any thing, but that vain animal,
> Who is so proud of being rational.

and some reasonable compensation given to the persons of that profession, who shall suffer thereby.[1]

5. That an exact register of all the popish families in England be returned to the exchequer, and with them their children also; that care be taken they may have no St Omers-education, in the several counties by the justices thereof; and to make return of such as dare send their children beyond sea for education in religion.

6. That, to take off the scandal and contempt from the clergy of the church of England, the bishops in their several dioceses would visit in person, and not by their chancellors; and would not superficially, but strictly and severely enquire into the lives and manners of their clergy, and take all care to discard them from their exercise of the sacred office, till they become as they ought to be: and further, that they would by no means admit so many into holy orders, before they be thirty years of age, and well qualified with learning and parts to exercise their office; then should not our universities spew out so many every year of sizers or servitors, with a little learning and less money, to take upon them the curateship of some doctor's pluralities, which with a present marriage, and a small stipend, (let the living be what it will) he becomes the scandal of the parish, poverty being so esteemed every where in this degenerate age. And farther, that 'twould hugely conduce to the encouraging of learning, if the great preferments of the church were given to the most learned and deserving men, such as are sound for the church of England; and that no pluralities be admitted to any person whatsoever, unless to a poor vicar, whose vicarage cannot maintain his family in bread.

7. That some of the most noble personages of the kingdom, men of integrity and learning, and reputed loyalty, together with some of our worthy and pious bishops, would, by way of humble address to his royal highness, represent the present jealousies and fears which are upon the minds of the people of this nation, by his being inclined to the Romish religion; and to represent to his highness the mischievous consequences of altering the religion his father died for, and he himself is obliged to by the obligation of baptism, and the dying advice and command of his royal father the Martyr; and earnestly to press him to make a public satisfaction to the nation in that respect; otherwise the mischiefs that will inevitably follow may, too late, be lamented.

8. To conclude, That all honest and loyal hearts would join unanimously together, to support the interest of the king and the church, against all those that have set their hands to work to pull them down: their several characters you have before in this epistle, and it is no hard matter to meet with them in all places of converse, where they assert and maintain their democratical principles. I say, let us stand up in behalf of our king and church, as stoutly as they are enemies to them, and God will no doubt save us from the destruction and misery, devastation and ruin, that threatens us at this time.

My Lord, I will ever subscribe

Plymouth, Sept. 16, 1679.

Your Lordship's most devoted Servant,

F. K.

[1] This was complied with, for a proclamation shortly afterwards shut up the coffeehouses.

The Declaration of Lord Petre upon his Death, touching the Plot. In a Letter to his most sacred Majesty.

Lord Petre was one of the five lords committed to the Tower on account of the Popish Plot, and died there in the course of his long confinement, without being brought to a trial. His dying declaration, like those of all the catholics executed during this sanguinary period, disavowed any knowledge of the conspiracy for which they were persecuted. Yet the distrust of the equivocations said to be permitted by their religion, was so great, that even the testimony of dying men, so weighty in every case, only served, on that occasion, to excite further abhorrence of the religion, which, it was imagined, permitted or called upon persons in such extremity to aver any falsehood which might advance the cause of Rome.

May it please your Majesty,

I GIVE myself the hopes that your majesty will pardon this presumption of a dying but dutiful subject, in giving you the trouble of this short account and declaration of myself, by which, in the first place, I offer to God my hearty prayers for your majesty's long life and happy reign, with all the blessings of this life, and eternal happiness of the next. I having been now above five years in prison, and, what is more grievous to me, lain so long under a false and injurious calumny of a horrid plot and design against your majesty's person and government, and am now, by the disposition of God's providence, called into another world, before I could, by a public trial, make my innocence appear, I conceived it necessary for me, as an incumbent duty I owe to truth and my own innocency, to make this ensuing protestation to your majesty and the whole world. That, whereas, one Titus Oates hath maliciously and falsely sworn that he saw me receive a commission directed to me from Joannes Paulus de Olivia, constituting me lieutenant-general of an army, which he pretended was to come into England, I declare in the presence of the all-seeing God, before whose just tribunal I am shortly to appear, that I never saw any such commission directed to me, or any other person whatsoever, and do firmly believe there never was any such: but of the folly as well as the falsehood of the information the sober part of mankind, as I conceive, sufficiently ere this are convinced.

And as for those aspersions which the ignorant and malicious have thrown upon the Roman Catholic church (of which I am, and, by the grace of God, do die a member) as if murdering of kings, and taking up arms against our sovereigns, were an authorised principle of that religion, I do knowingly affirm there is nothing with more horror detested by the Catholic church, as being expressly contrary to the command of our Saviour and christian doctrine, and as such I renounce and detest it, as I do all plots and conspiracies against your sacred person. Having thus briefly, and with all sincerity of a dying man, discharged my conscience, I shall end where I began, and

with my last breath beg of God to defend your majesty from all your enemies, and to forgive those who, by their perjuries, have endeavoured to make me appear to be one, who, living and dying, am, (as in duty bound, &c.)

Your most obedient, and loyal subject,

W. PETRE.

The Judges Opinions concerning Petitions to the King in Publick Matters.

See Moore's Reports, p. 755. Crook's Reports, p. 37. 2 Jacobi.

With a Clause of a late Act of Parliament concerning the same Subject.

The court, in the beginning of winter 1679, began to be alarmed by the various petitions brought in from all quarters, for convoking parliament, and used various attempts to discourage a practice, by which a few active and busy persons were enabled to put themselves, in appearance at least, at the head of great numbers. The following opinions of the judges were made public *in terrorem*.

FEB. 13. 2 Jac. In the Star-Chamber, all the justices in England were assembled, with many of the nobility, viz. the Lord Ellesmore, lord-chancellor; the Earl of Dorset, lord-treasurer; the Lord Viscount Cranborn, principal secretary; the Earl of Nottingham, lord admiral; the Earls of Northumberland, Worcester, Devon, and Northampton; the Lords Zouch, Burleigh, and Knolls; the Chancellor of the Dutchy; the Archbishop of Canterbury, the Bishop of London, Popham, Chief Justice, Bruce, Master of the Rolls, Anderson, Gawdy, Walmesley, Fenner, Kingsmil, Warburton, Savile, Daniel, Yelverton, and Snigg. And there the Chancellor of England, by the king's command, after he had made a long speech concerning the justices of peace, and an exhortation to the justices of assize, and a discourse of papists and puritans, declaring that they were both the disturbers of the state, and that the king intended to suppress them, and to have the laws put in execution against them, demanded of the judges their resolution of three things.

Whereof one was,

If it were an offence punishable, and what punishment is due by the law, to those who frame petitions and collect multitudes of hands thereto to prefer to the king in publick causes, as the puritans have done, with intimation to the king, that if he denies their suit, that many thousands of his subjects would be discontented?

To which all the justices answered, that this was an offence finable by discretion, and very near to treason and felony in desert of punishment; for this tends to raise sedition, rebellion, and discontent among the people.

To which resolution all the lords agreed. And then many of the lords declared, that some of the puritans had raised a false rumour of the king, that he intended to grant a toleration to papists, the which offence seemed to the justices grievously finable by the rules of common law, in the King's Bench, or by the king and his coun-

cil, or now since the statute of 3 H. VII. in the Star-chamber. And the lords, each by themselves, publickly declared, that the king was discontented with this false rumour; and the day before had made a protestation unto them, that he never intended it, and that he would lose the last drop of blood in his body before he would do it. And that he prayed to God, that before his issue should maintain any other religion than this that himself maintains, that he would take them out of the world.

Anno 13 *Caro li II. Reg.*

In an act, entituled, "An Act against Tumults and Disorders, upon Pretence of preparing or presenting publick Petitions, or other Addresses, to his Majesty, or the Parliament,"

There is this preamble and clause.

WHEREAS, it hath been found, by sad experience, that tumultuous and other disorderly solliciting and procuring of hands, by private persons, to petitions, complaints, remonstrances, and declarations, and other addresses to the king, or to both or either houses of parliament, for alteration of matters established by law, redress of pretended grievances in church or state, or other publick concernments, have been made use of to serve the ends of factious and seditious persons, gotten in power, to the violation of the publick peace, and have been a great means of the late unhappy wars, confusions, and calamities in this nation: for preventing the like mischief in future,

Be it enacted, &c. That no person or persons whatsoever shall, from and after the 1st of August, 1661, sollicite, labour, or procure the getting of hands, or other consent, of any persons, above the number of twenty or more, to any petition, complaint, remonstrance, declaration, or other address to the king, or both or either houses of parliament, for alterations of matters established by law in church or state, unless the matter thereof have been first consented unto, and ordered by three or more justices of that county, or by the major part of the grand jury of the county, or division of the county, where the same matter shall arise, at their publick assizes, or general quarter sessions, or, if arising in London, by the lord-mayor, aldermen, and commons, in common council assembled: and that no person or persons whatsoever shall repair to his majesty, or both or either of the houses of parliament, upon pretence of presenting or delivering any petition, complaint, remonstrance, or declaration, or other addresses, accompanied with excessive number of people, nor at any one time with above the number of ten persons, upon pain of incurring a penalty not exceeding the sum of one hundred pounds in money, and three months imprisonment, without bail or mainprize, for every offence, which offence to be prosecuted, &c.—*See the act at large.*

Anno 13 *Caroli II.*

In an act, entituled, "An Act for Safety and Preservation of his Majesty's Person and Government, against treasonable and seditious Practices and Attempts,"

There is this clause.

Be it enacted, &c. That if any person or persons whatsoever, after the 24th day of June, 1661, during his majesty's life, shall maliciously and advisedly publish or affirm the king to be an heretick or a papist, or that he endeavours to introduce popery;

or shall malicously and advisedly, by writing, printing, preaching, or other speaking express, publish, utter, or declare, any words, sentences, or other thing or things, to incite or stir up the people to hatred or dislike of the person of his majesty, or the established government, then every such person and persons, being thereof legally convicted, shall be disabled to have or enjoy, and is hereby disabled, and made incapable of having, holding, enjoying, or exercising any place, office, or promotion ecclesiastical, civil, or military, or any other employment in church or state, other than that of his peerage; and shall likewise be liable to such further and other punishments, as by the common laws or statutes of this realm may be inflicted in such cases, &c.—*See the statute at large.*

An Answer to a Letter written by a Member of Parliament in the Country, upon the Occasion of his Reading of the Gazette of the 11th of December, 1679.

This is a very bold attempt to maintain the legality of petitioning for the sitting of parliament, in opposition to the following active measures of the court:—"At length a resolution was taken to send for the lord mayor and court of aldermen, and, by intimidating them from countenancing the practice by their example, to strike the like awe through all the corporations of England. Accordingly his lordship (Sir Robert Clayton,) with his brethren, and the recorder, Sir George Jeffries, making their appearance before the privy council, the lord chancellor, by his majesty's command, acquainted them, That his majesty was more than ordinarily concerned at present for the peace of the kingdom, which there were endeavours using to disturb, by procuring hands to tumultuous petitions tending to sedition and rebellion, which were framed and sent for that purpose likewise into the country; and that letters had been intercepted, wherein the persons to whom they were addressed were bid to get as many hands as they could to the said petitions, saying, that it mattered not though they were neither gentlemen nor freeholders. Which illegal and seditious practices his majesty was resolved by no means to suffer; and that, therefore, his majesty expected that they, the lord mayor and aldermen, would, in their several stations, take care of his majesty's honour, and of the peace and safety of the city; and not suffer such persons as should sign such petitions, or go about to procure hands to them, to go unpunished; but that they should proceed against them, or cause them to be brought before the council-board to be punished as they deserved, according to a judgment of all the judges of England, *2do Jacobi.*"—RALPH'S *History of England*, 1754. *fol. p.* 490.

The chancellor's speech was supported by a royal proclamation against tumultuous petitions, which was chiefly drawn up by the lord chief justice North; in which it is set forth, that, to collect and procure subscriptions to petitions framed for specious ends and purposes relating to the public, are proceedings contrary to the common and known laws of the land, as tending to excite discontents among the people, and to raise sedition and rebellion. This proclamation, with the chancellor's speech to the lord mayor and his brethren, were published in the Gazette, 11th December, 1679; and the object of the following tract is, to confute the reasoning of both, although, out of reverence to the royal proclamation, the argument is ostensibly confined to the speech of the chancellor.

SIR,

I received your letter when I was engaged in much other business, which will excuse me that I have not returned an answer sooner, and that it is done no better now. You desire me to let you know what that judgment is which my lord chancellor ac-

quainted my lord mayor and his brethren with, and what my thoughts are upon it; and that I may obey you in both, I will first transcribe that case, as it is reported by justice Crook, that being already put into English, whereas the case in Moor is in French.

Memorandum, That, by command from the king, all the justices of England, with diverse of the nobility, viz. the Lord Ellesmere, lord chancellor; the Earl of Dorset, lord treasurer; vicount Cranbourn, principal secretary; the Earl of Nottingham, lord admiral; the Earls of Northumberland, Worcester, Devon, and Northampton; the Lords Zouch, Burghley and Knowles; the Chancellor of the Dutchy; the Archbishop of Canterbury; the Bishop of London; Popham, chief justice; Bruce, master of the rolls; Anderson, Gawdy, Walmesley, Fenner, Kingsmil, Warburton, Savel, Daniel, Yelverton and Snigg, were assembled in the Star-chamber, where the lord chancellor, after a long speech made by him concerning justices of the peace, and his exhortation to the justices of assize, and a discourse concerning papists and puritans, declaring how they both were disturbers of the state; and that the king, intending to suppress them, and to have the laws put in execution against them, demanded of the justices their resolutions in three things: First, Whether the deprivation of puritan ministers by the high commissioners, for refusing to conform themselves to the ceremonies appointed by the last canons, was lawful? Whereto all the justices answered, that they had conferred thereof before, and held it to be lawful; because the king hath the supreme ecclesiastical power, which he hath delegated to the commissioners, whereby they had the power of deprivation by the canon-law of the realm. And the statute of 1. Elizabeth, which appoints commissioners to be made by the queen, doth not confer any new power, but explain and declare the ancient power. And, therefore, they held it clear, that the king, without parliament, might make orders and constitutions for the government of the clergy, and might deprive them if they obeyed not. And so the commissioners might deprive them. But they could not make any constitutions without the king: the divulging of such ordinances, by proclamation, is a most gracious admonition; for as much as they have refused to obey, they are lawfully deprived by the commissioners *ex officio*, without libel *et ore tenus convocati*. Secondly, Whether a prohibition be grantable against the commissioners upon the statute of 2 H. V. if they do not deliver the copy of the libel to the party? Whereto they all answered, that statute is intended where the ecclesiastical judges proceed *ex officio et ore tenus*. Thirdly, Whether it were an offence punishable, and what punishment they deserved who framed petitions, and collected a number of hands thereto, to prefer to the king, in a publick cause, as the puritans had done with an intimation to the king, that, if he denied their suit, many thousands of his subjects would be discontented? Whereto all the justices answered, that it was an offence finable at discretion, and very near to treason and felony in the punishment, for they tended to the raising of sedition, rebellion, and discontent among the people; to which resolution all the lords agreed. And then many of the lords declared, that some of the puritans had raised a false rumour of the king, how he intended to grant a toleration to papists: which offence the justices conceived to be heinously finable by the rules of the common law, either in the King's Bench, or by the king and his council, or now, since the statute of 3 H. VII., in the Star-chamber. And the lords severally declared how the king was discontented with the said false rumour, and had made but the day before a protestation unto them, that he never intended it, and that he would spend the last drop of blood in his body before he would do it; and prayed, that before any of his issue should maintain any other religion than what he truly professed and maintained, that God would take them out of he world.

I doubt not but yourself, and every English protestant, will joyn with this royal petitioner, and will heartily say Amen.

But you desire to know if I think the resolution of the judges in this case ought to deter us from humbly petitioning his majesty, that this parliament may effectually sit on the 26th day of January next. In order to this, give me leave to observe to you, as it is most certain that a great reverence is due to the unanimous opinion of all judges, so there is a great difference to be put between the authority of their judgements, when solemnly given in cases depending before them, and their sudden and extrajudicial opinions. The case of ship-money itself is not a better proof of this than that which you have now read, as you will now see, if you consider distinctly what they say to the several questions proposed to them.

As to their answer to the first question, it much concerns the reverend clergy to enquire whether they did not mistake in it? And whether the king, by his proclamation, can make new constitutions, and oblige them to obedience under the penalty of deprivation? Should it be so, and should this unhappy kingdom ever suffer under the reign of a popish prince, he might easily rid himself of such obstinate hereticks, and leave his ecclesiastical preferments open for men of better principles: He will need only to publish a proclamation, that spittle and salt should be used in baptism, that holy water should be used, and images set up in churches, and a few more such things as these, and the business were effectually done. But if you will believe my lord chief justice Cook,[1] he will tell you, that it was agreed by all the judges upon debate, Hill, 4th *Jacobi*, that the king cannot change his ecclesiastical law; and you may easily remember since the whole parliament declared, that he could not alter or suspend them.

[2] I have the uniform opinion of all the judges, given upon great deliberation, Mic. 4 *Jac.* to justify me, if I say that our judges here were utterly mistaken in the answer which they gave to the second question. I will not cite the numerous subsequent authorities, since every man knows that it is the constant practice of Westminster Hall, at this day, to grant prohibitions, upon refusal to give a copy of articles, where the proceedings in the ecclesiastical courts are *ex officio*.

You see there was a kind of ill fate upon the judges this day, as usually there was when met in the Star-chamber, and that they were very unfortunate in answering two of the three questions proposed to them; let us go on to consider what does principally concern us at present—their answer to the last question.

You have just done reading it, and therefore I need not repeat to you either the doubt or the solution of it; but one may be allowed to say modestly, that it was a sudden answer: 'Tis possible the lords then present were well enough informed, when they were told, that such kind of petitioning was an offence next to treason and felony; but I dare be so bold as to say, that, at this day, not a lawyer in England would be the wiser for such an answer; they would be confounded, and not know whether it were misprision of treason, which seems an offence nearest to treason, or petty-larceny, which seems nearest to felony.

You will be apt to tell me that I mistake my lords the judges, and they spoke not of the nature of the crime, but the manner of the punishment; but this will mend the matter but little; for, since the punishments of those two crimes are so very different, you are still as much in the dark as ever what these ambiguous words mean.

Well, but we will agree, that the crime, about which the enquiry was made, was a very great one. When men arrive to such insolence as to threaten their prince, it will be but little excuse to them to call their menaces by the soft and gentle name of petitions.

But you would know for what, and in what manner, we are at present to petition; and I will give you a plain and infallible rule. [3] It is the statute 13 *Car. II. c. 5.*

Be it enacted, &c. That no person or persons whatsoever shall solicit, labour, or pro-

[1] 12. Co. 19. 12. Co. 9. 4. [2] Co. Mag. Char. 615. [3] 13. Car. II. c. 5.

cure the getting of hands, or other consent, of any persons above the number of twenty, or more, to any petition, complaint, or remonstrance, declaration, or other addresses to the king, or both or either house of parliament, for alteration of matters established by law in church or state, unless the matter thereof have been first consented to, and ordered by three or more justices of the county, or by the major part of the grand jury of the county, or division of the county where the same matter shall arise, at their publick assizes, or general quarter-sessions; or, if arising in London, by the lord mayor, aldermen, and commons in common council assembled; and that no person or persons whatsoever shall repair to his majesty, or both or either of the houses of parliament, upon pretence of presenting or delivering any petition, complaint, remonstrance, or declaration, or other addresses, accompanied with excessive number of people, not at any one time with above the number of ten persons, upon the pain of incurring a penalty not exceeding the sum of one hundred pounds in money, and three months imprisonment, without bail or mainprize, for every offence; which offence to be prosecuted at the court of King's Bench, or at the assizes, or general quarter-sessions, within six months after the offence committed, and proved by two or more credible witnesses.

Here you observe the parliament, who set themselves directly to obviate all the inconveniencies which might arise to the government from tumultuous petitioning, will not allow that great numbers should join in petitions for alteration of the laws (because it is possible ill men might abuse such a liberty,) unless the matter of the petition be consented to in such a manner as the act directs; but in all other cases, they leave the subjects to their undoubted liberty, as well knowing that from thence there could arise no possible inconvenience; but, on the contrary, that, to bar the people of that humble way of making their wants known, might force them upon worse ways of doing it.

And, therefore, I must tell you, that you do my lord chancellor great injustice, if you think his speech tends to deter men from all manner of petitioning: No, that wise and eloquent lord, who receives every day so many petitions, will, I suppose, be content the king should receive some too. It never yet was thought seditious or tumultuous in any government, for the subjects in a humble manner to beg, that he who has the only power to do it would redress their grievances: 'Tis the way by which we apply ourselves to the King of Heaven, who knows all our wants, and yet expects from us that we should daily express them to him in humble petitions. And the wisdom of the church, which has appointed liturgies and forms of common-prayer, seems to instruct us, that God is pleased when huge numbers join in the same petition. Why should not then suppliant subjects, with like humility, and in like manner, address themselves to the god on earth, especially since kings cannot know our desires or our grievances, till we ourselves inform them what they are? I remember some wicked counsellors of Darius did once obtain a law to be made,[1] that none should petition any one but the king for thirty days; but there never yet was found so absurd a statesman as to advise a law, that subjects should not supplicate their prince. 'Tis probable it would be well for some favourites, who are near a king, if such a right could be taken from the people, for then all their false suggestions and informations might pass undiscovered; but 'tis impossible that a king should long be safe in such a condition. I will suppose a malicious statesman, intending to raise a jealousy in the mind of the sovereign, should inform him, in dangerous times, that he was not beloved by his people, and that he was not to trust them: How could the subjects in such a case recover the prince's good opinion, in the absence of a legal representative, but by humble and affectionate addresses? or suppose some good protestant prince should be so unfortunate as to have some counsellors near him who are concealed; and others, whose crimes make them fear parliaments; it is easy to suppose, that the one sort will be filling his

[1] Dan. ch. 6.

ears with stories, that a great part of his kingdom are inclined to popery; and the other sort, that the best of his subjects are quite out of love with parliaments, as factious and seditious assemblies. Into what unfortunate circumstances would such a prince be apt to fall, if his people were precluded from addressing themselves and opening their desires to him!

I might go on to trouble you with infinite instances of this nature, but there is no want of any in so plain a case: 'Tis the doctrine of our church, that the only arms of subjects are prayers, petitions, supplications, and tears; and they are no friends either to the king or church who would disarm us of these.

[1] My Lord Chief Justice Hobbart tells us, that it is lawful for any subject to petition to the king for redress in a humble and modest manner; for (says he) access to the sovereign must not be shut up in case of the subjects distresses. [2] It was one of the crimes for which the Spencers were banished by parliament, that they hindred the king from receiving and answering petitions from great men and others.

And as it is our unquestionable right, so in all ages the usage has been by petition to inform our king of our grievances. In the reign of King Ed. II. and Ed. III. petitions were frequent for redress of publick grievances, and for parliaments, especially out of Ireland (though that is a conquer'd nation,) as may be seen in the close rolls of the reigns of those two kings. One instance I will give you for your satisfaction, but I will tire you with no more, for that would be endless.

[3] 'Tis claus. 10. Ed. II. M. 28. *intus pro communitate Hiberniæ. Rex. Dilect. et fidelibus suis Justa Canceller. et Thesaur. suis Hib. salutem ex parte populi nostri terræ prædict. per petitionem suam coram nobis et concilio nostro exhibitum nobis est cum instantia supplicatum, quod cum,* &c.

In the 5th year of King Richard II. the whole body of the realm petitioned, that the most wise and able men within the realm might be chosen chancellors.

King Henry VIII. told his subjects, then in arms against him in Yorkshire, that they ought not to have rebelled, but to have applied themselves to him by petition.

King James, by a proclamation published in the 12th year of his reign, begins thus: "The complaints lately exhibited to us by certain noblemen, and others of our kingdom of Ireland, suggesting disorders and abuses, as well in the proceedings of the late begun parliament, as in the martial and civil government of the kingdom, we did receive with extraordinary grace and favour."

[4] And by another proclamation in the 15th year of his reign, he declares, that it was the right of his subjects to make their immediate addresses to him by petition; and in the 19th year of his reign he invites his subjects to it.

[5] And in the 20th year of his reign he tells his people, that his own and the ears of his privy-council did still continue open to the just complaints of his people; and that they were not confined to times and meetings in parliament, nor restrained to particular grievances; not doubting but that his loving subjects would apply themselves to his majesty for relief; to the utter abolishing of all those private whisperings and causeless rumours, which, without giving his majesty any opportunity of reformation by particular knowledge of any fault, serve to no other purpose but to occasion and blow abroad discontentment.

[6] It appears, that the house of lords, both spiritual and temporal, *nemine contradicente*, voted thanks to those lords who petitioned the king at York to call a parliament.

[7] And the king, by his declaration printed in the same year, declares his royal will and pleasure, that all his loving subjects, who have any just cause to present or com-

[1] Hob. 220. Wrenham's Case. [2] Vet. Magn. Chart. Exil. Hugi. De Spencer 51.
[3] Claus. 10. E. II. M. 28, *intus Pro communitate Hiberniæ.*
[4] Coke, Jurisdiction of Courts, p. 79. Burart's History of the Reformation, pag. 231. Procl. Dat. 7. Feb. 11. Jac. [5] Procl. 12 Jac. [6] Procl. dat. 18th July 10. Jac. Procl. dat. 14 Feb. 20. Jac.
[7] Lords Journal, An. 1640.

plain of any grievances or oppressions, may freely address themselves by their humble petitions to his sacred majesty, who will graciously hear their complaints.

[1] Since his majesty's happy restoration, the inhabitants of the county of Bucks made a petition, that their county might not be over-run by the king's deer; and the same was done by the county of Surry on the same occasion.

'Tis time for me to conclude your trouble: I suppose you do no longer doubt, but that you may join in petition for a parliament, since you see it has been often done heretofore: nor need you fear how many of your honest countrymen join with you, since you hear of petitions by the whole body of the realm; and since you see both by the opinion of our lawyers, by the doctrine of our church, and by the declarations of our kings, that it is our undoubted right to petition. Nothing can be more absurd than to say, that the number of the supplicants makes an innocent petition an offence; on the contrary, if, in a thing of this publick concernment, a few only should address themselves to the king, it would be a thing in itself ridiculous; the great end of such addresses being to acquaint him with the general desires of his people, which can never be done unless multitudes join. How can the complaints of the diffusive body of the realm reach his majesty's ears in the absence of parliament, but in the actual concurrence of every individual person in petition? for the personal application of multitudes is indeed unlawful and dangerous.

[2] Give me leave, since the Gazette runs so much in your mind, to tell you (as I may modestly enough do, since the statute directs me) what answer the judges would now give if such another case were put to them as was put to the judges 2 Jacobi.

Suppose the nonconformists at this day (as the puritans then did) should sollicit the getting of the hands of multitudes to a petition to the king for suspending the execution of the penal laws against themselves, the present judges would not tell you, that this was an offence next to treason or felony, nor that the offenders were to be brought to the council-board to be punished; but they would tell you plainly and distinctly, that if the hands of more persons than twenty were sollicited or procured to such a petition, and the offenders were convicted upon the evidence of two more credible witnesses upon a prosecution in the King's Bench, or at the assizes, or quarter sessions, within six months, they would incur a penalty not exceeding one hundred pounds and three months imprisonment, because their petition was to change a matter established by law. But I am sure you are a better logician than not to see the difference which the statute makes between such a petition, which is to alter a thing established by law, and an innocent and humble petition, that a parliament may meet according to law, in a time when the greatest dangers hang over the king, the church, and the state.

The Romanists best Doctor, who, by one infallible Remedy, perfectly cures all Popish Diseases whatsoever in a Quarter of an Hour's Time, or Half an Hour at utmost, by an approved Dose, which never yet failed his Patients. Which approved Remedy may once a Month be had, at Tyburn, near Paddington, of that eminent Physician of long Practice, John Ketch, Esq. Physician in Ordinary to the Pope: A small Dose whereof being rightly applied, and compounded with a Grain or two of his Holiness's Absolu-

[1] Declar. 1640. [2] Temp. Car. II.

tion, and free Pardon, cordially administred, sends the Patient bolt-upright to Heaven in a String, without calling at Purgatory by the Way. It likewise perfectly cures these Popish Distempers following, though of never so long Continuance: viz. Treason, Murder, and Rebellion, and all other Popish Contrivances whatsoever, with the utmost Speed imaginable, and without the least Hindrance to Christian Honesty. The aforesaid Remedy takes immediately away the Popish Clap, known by these following Symptoms, viz. Treasonable Contrivances against the King, Kingdom's, and Country's Good, which it cures with Speed beyond Imagination. It likewise quenches all Popish Zeal to the Roman-Catholick Cause, not got by Innocency, as is by some conceived. This Remedy will be delivered to any Patient at Thirteen-pence Half-penny the Dose, provided they be legally condemned, but to Roman Catholicks, gratis, provided they can bring his Holiness's Hand and Seal to certify they have been Actors in the late treasonable Designs on Foot, in that horrid blood-thirsty Plot. Together with a Letter testimonial from his Holiness to St Peter to admit you without Scruple, yet the Hand being old Roman, St Peter himself does not well understand it. To prevent your Mistake, you may certainly find the Doctor every Execution-Day, at the Sign of the Jesuits-Cap at Tyburn, between the Hours of Eleven and Twelve at Noon, ready to afford you his Remedies aforesaid, in order to your immediate and speedy Cure.

The purpose of this squib requires no comment. It supplies little information, besides the regular descent of the office of public executioner from Gregory and Dunn to Jack Ketch, whose name, like that of Pharaoh, has distinguished all his successors.

Remarkable Cures performed by this eminent Physician, and his Predecessors, since Queen Mary's Days last, of fiery Memory.

Gentlemen,

To the intent I may no way deceive your expectations, I shall here give you a particular of some several persons cured by me and my predecessors, and refer you to your own judgment, whether I speak more than we have performed.

In the year 1582, my grandfather cured Mr Babington and the rest of his accomplices, for attempting the murder of Queen Elizabeth, of happy memory, being fourteen in number: He cured them in two days time, with only one dose to each person administered. These persons having been in Spain, Italy, and France, where, meeting with no cure, their malignity raging worse than ever, upon their first coming hither they were freely discharged of the same. Their distemper being a blood-thirsty attempt upon the queen majesty's person; which was perfectly dissolved with the first hempen doze. I could give you an account of some more cured by my aforesaid grandfather, but hope these suffice.

In the year 1605, my father cured Guido Faux of a malignant fever, which was so wonderfully strong, that it had like to have blown up both king and parliament: He no sooner came into his clutches, but of roaring lions he made them as tame as lambs, and sent them to Pluto's territories without bail or mainprize.

At the same time he not only cured him, but the rest of his accomplices, beyond expectation.

In the year 1660, my father Gregory cured Major-General Harrison, Hugh Peters, Oliver's jester, and several more, of a violent madness; which frenzy attained to so high a pitch, as made them destroy their father, the most gracious king living, and

turned religion and episcopacy out of doors; they were cured with one swing on the high-rope.

Since which, my father Dunn hath cured several fifth-monarchy-men under Captain Venner, who stunk so much of popery, that he could hardly distinguish at the hour of death what they were, yet they were perfectly cured by my first dose; which had likewise the singular operation, that it not only cured them, but some scores, if not hundreds besides; upon whom my medicine so far operated, as through fear they never since durst attempt the like rebellion.

Since that, he cured one Hubert, a Frenchman, of a scald head, miserably scorched by the fire in 66, yet he is forced to sing Lacrimy, in respect only one poor foreigner should partake of his physic, whereas many of his countrymen deserve the like. Thus much for cures performed by my father and grandfather; now to my own.

First, I cured Mr Stayly, living in Covent-Garden, London, of a bloody design against his present majesty.

Secondly, Five remarkable jesuits, Gaven and his fellows, who, though they died as innocent as the child unborn, have reason to bless me for sending them to heaven before their time.

Next, I perfectly cured Ireland and Groves, who were so well satisfied with my cure, that they gave me fee with considerable interest.

Gentlemen,

These are but a touch for a taste of my cures; I hope in my next to make an addition of some persons now in custody, and then I hope to render myself eminent I hope it is not only my desire, but the request of all true protestants, to put a final period to treason; and then I shall have work enough.

You may speak with me at the hour, time, and place aforesaid.

The Bishop of Carlisle's Speech in Parliament, concerning deposing of Princes. Thought seasonable to be published to this murmuring Age. 1679.

—— *Neutrum modo mas modo Vulgus.*

Both parties, during the collision of their principles and opinions, endeavoured to search for authorities and precedents in English history. Some favourer of non-resistance lighted upon the speech of Thomas Merks, Bishop of Hereford, against the usurpation of Henry IV., and expanded it into its present shape, as an apology for the principles of the Tories; Dryden, long afterwards, when modernizing Chaucer's Parish Priest, assigned to him the principles and character of the Bishop of Carlisle, and represented him as a nonjuror of his time, who had lost his benefice by the revolution, in which Richard II. was dethroned. This must be considered, not as a regular historical document of the 14th century, but as a prolusion of the seventeenth.

This question, (right honourable lords,) concerneth a matter of great consequence and weight: the determining whereof will assuredly procure either safe, quiet, or dangerous disturbance, both to our particular consciences, and also to the common

state. Therefore, before you resolve upon it, I pray you call to your considerations these two things: First, Whether King Richard be sufficiently deposed or no? Secondly, Whether King Henry be, with good judgment or justice, chosen in his place? For the first point, we are first to examine whether a king, being lawfully and fully instituted by any just title, may, upon imputation, either of negligence or of tyranny, be deposed by his subjects: Secondly, what King Richard hath omitted in the one, or committed in the other, for which he should deserve so heavy judgment. I will not speak what may be done in a popular state, or in a consular; in which, although one beareth the name and honour of a prince, yet he hath not supreme power of majesty; but in the one, the people have the highest empire; in the other, the nobility and chief men of estate; in neither, the prince. Of the first sort, was the common-wealth of the Lacedæmonians, who, after the form of government which Lycurgus framed,[1] oftentimes fined, oftentimes fettered their kings, and sometimes condemned them to death: such were also, in Cæsar's time, the petty kings of France, who were many times arraigned upon life and death; and, (as Ambiorix, prince of the Leodienses, confessed) had no greater power over the people than the people had over them. Of the second condition were the Roman emperors at first; of whom some, namely, Nero and Maximinus, were openly condemned, others were suddenly surprized by judgment and authority of the senate; and such are now the emperors of Germany, whom the other princes, by their aristocratical power, do not only restrain, but sometimes also remove from their imperial state: such are also the kings of Denmark and Sweedeland, who are many times, by the nobility, dejected either into prison or into exile: such likewise are the dukes of Venice, and of some other free states in Italy; and the chiefest cause for which Lewes, Earl of Flanders, was lately expelled from his place, was, for drawing to himself cognizance in matters of life and death, which high power never pertained to his dignity.

In these and such like governments, the prince hath no regal rights, but is himself subject to that power which is greater than his, whether it be in the nobility or in the common people. But if the sovereign majesty be in the prince, as it was in the three first empires, and in the kingdom of Judea and Israel, and is now in the kingdoms of England, France, Spain, Scotland, Muscovy, Turkey, Tartary, Persia, Ethiopia, and almost almost all the kingdoms of Asia and Africa: Although, for his vices, he be unprofitable to the subjects, yea, hurtful, yea, intolerable, yet can they, lawfully, neither harm his person, nor hazard his power, whether by judgment or else by force; for neither one nor all magistrates have any authority over the prince, from whom all authority is derived, and whose only presence doth silence and suspend all inferior jurisdiction and power. As for force, what subject can attempt, or assist, or counsel, or conceal violence against his prince, and not incur the high and heinous crime of treason?

It is a common saying, Thought is free; free, indeed, from punishment of secular laws, except by word or deed, it break forth into action; yet the secret thoughts against the sacred majesty of a prince, without attempt, without endeavour, have been adjudged worthy of death; and some, who in auricular confession have discovered their treacherous devices against the person of their prince, have afterwards been executed for the same. All laws do exempt a madman from punishment; because their actions are not governed by their will and purpose: and the will of man being set aside, all his doings are indifferent; neither can the body offend without a corrupt or erroneous mind; yet, if a madman draw his sword upon his king, it hath been adjudged to deserve death. And lest any man should surmise that princes, for the maintenance of their own safety and sovereignty, are the only authors of these judgements, let us a little consider the patterns and precepts of holy scripture. Nebuchadnezzar,

[1] *Tanaquil in Caligula. Tacitus in Proœmio.*

king of Assyria, wasted all Palestine with fire and sword, oppugned Hierusalem a long time, and at the last expunged it; slew the king; burnt the temple; took away the holy vessels and treasure; the rest he permitted to the cruelty and spoil of his unmerciful soldiers; who defiled all places with rape and slaughter, and ruinated, to the ground, that flourishing city. After the glut of this bloody butchery, the people which remained he led captive into Chaldea; and there erected his golden image, and commanded, that they which refused to worship it should be cast into the fiery furnace.

What cruelty, what injustice, what impiety is comparable to this? and yet God calleth Nebuchadnezzar his servant, and promiseth heir and wages for his service: And the prophets Jeremiah and Baruch did write unto the Jews to pray for the life of him, and of Baltazar his son, that their days might be upon earth as the days of heaven: And Ezekiel, with bitter terms, abhorreth the disloyalty of Zedekiah, because he revolted from Nebuchadnezzar, whose homager and tributary he was. What shall we say of Saul? Did he not put all the priests to execution, because one of them did revile holy and harmless David? Did he not violently persecute that his most faithful servant and dutiful son-in-law? During which pursuit, he fell twice into the power of David; who did not only spare, but also protect the king, and reproved the pretorian soldiers for their negligent watch, and was touched in heart for cutting away the lap of his garment; and afterwards caused the messenger to be slain, who, upon request and for pity, had lent his hand (as he said) to help forward the voluntary death of that sacred king. As for the contrary examples; as that of [1] Jehu, who slew Jehoram and Ahaziah, kings of Israel and Judah; they were done by express oracle and revelation from God, and are no more set down for our imitation, than the robbing of the Egyptians, or any other particular and privileged commandment; but in the general precept, which all men must ordinarily follow, not only our actions, but our speeches also, and our very thoughts, are strictly charged with duty and obedience unto princes, whether they be good or evil, the law of God ordaineth, "That he which doth presumptuously against the ruler of the people shall die:" And the prophet David "forbiddeth to touch the Lord's anointed." "Thou shalt not (saith the Lord) rail upon the judges, neither speak evil against the ruler of the people." And the apostles do demand, further, that even our thoughts and souls be obedient to higher powers: and lest any should imagine that they meant of good princes only, they spake generally of all; and further, to take away all doubt, they make express mention of the evil. For the power and authority of wicked princes is the ordinance of God; and, therefore, Christ told Pilate, that the power which he had was given him from above; and the prophet Isaiah calleth Cyrus, being a profane and heathen prince, the Lord's anointed. For God stirred up the spirit, even of wicked princes, to do his will; and (as Jehosaphat said to his rulers) they execute not the judgment of man, but of the Lord: In regard whereof, David calleth them gods, because they have their rule and authority immediately from God; which, if they abuse, they are not to be adjudged by their subjects, for no power within their dominion is superior to theirs; but God reserveth them to the sorest trial. "Horribly and suddenly (saith the wise man) will the Lord appear unto them, and a hard judgment shall they have."

Deut. 17. 12. Psal. 105. 15. Exod. 22. 28. Acts 23. 5. Rom. 13. 1, 13. Tit. 3. 1. 1 Pet. 2. 13, 14, 17. 1 Tim. 2. 2. Rom. 13. 2. Joh. 19. 11. Chap. 45. 1. 2 Chron. 36. 2. 2 Chron. 19. 6. Psal. 28. Wisd. 6. 5.

The law of God commandeth, that the child should be put to death for any contumely done unto the parents; but what if the father be a robber? if a murtherer? if, for all excess of villanies, odious and execrable both to God and man? surely he de-

[1] So did Domitian put to death Epaphroditus, Nero's libertine, because he helped Nero (although in love) to kill himself. So did Severus kill all the killers of Pertinax, his predecessor; and likewise, Vitellius did put to death all the murtherers of Galba. Theophilus, Emperor of Grecia, caused all those to be slain, who had made his father emperor, by killing Leo Armanius. And Alexander the Great put to cruel execution those that had slain Darius, his mighty and mortal enemy.—*Orig. Note.*

serveth the highest degree of punishment; and yet must not the son lift up his hand against him; for no offence is so great as to be punished by parricide. But our country is dearer unto us than our parents; and the prince is *Pater patriæ*, [1] the father of our country; and therefore more sacred and dear unto us, than our parents by nature, and must not be violated, how imperious, how impious so ever he be; doth he command or demand our persons or our purses, we must not shun for the one, nor shrink for the other: "For (as Nehemiah saith, chap. 9. 37.) kings have dominion over the bodies and over the cattle of their subjects at their pleasure." Doth he enjoin those actions which are contrary to the laws of God? We must neither wholly obey, nor violently resist, but, with a constant courage, submit ourselves to all manner of punishment, and shew our subjection by enduring, and not performing: Yea, the church hath declared it to be an heresy, to hold that a prince may be slain or deposed by his subjects, for any disorder or default, either in life, or else in government, there will be faults so long as there are [2] men; and as we endure with patience a barren year, if it happen, and unseasonable weather, and such other defects of nature, so must we tolerate the imperfections of rulers, and quietly expect, either reformation, or else a change.

But, alas! good King Richard, what such cruelty, what such impiety hath he ever committed? Examine rightly those imputations which are laid against him, without any false circumstance of aggravation, and you shall find nothing objected, either of any truth, or of great moment. It may be that many errors and oversights have escaped him, yet none so grievous to be termed tyranny; as proceeding rather from unexperienced ignorance, or corrupt counsel, than from any natural and wilful malice. Oh, how shall the world be pestered with tyrants, if subjects may rebel upon every pretence of tyranny? How many good princes shall daily be suppressed by those by whom they ought to be supported? If they levy a subsidy, or any other taxation, it shall be claimed oppression: if they put any to death for traiterous attempts against their persons, it shall be exclaimed cruelty: if they do any thing against the lust and liking of the people, it shall be proclaimed tyranny.

But let it be, that without authority in us, or desert in him, King Richard must be deposed: yet what right had the Duke of Lancaster to the crown? or what reason have we without his right to give it to him? If he make title as heir unto King Richard, then must he yet stay until King Richard's death: for no man can succeed as heir to one that liveth. But it is well known to all men, who are not either wilfully blind, or grossly ignorant, that there are some now alive, lineally descended from Lionel Duke of Clarence, whose offspring was by judgment of the high court of parliament holden the eighth year of the reign of King Richard, declared next successor to the crown, in case King Richard should die without issue. Concerning the title from Edmund Chrouchback, I will pass it over, seeing the authors thereof are become ashamed of so absurd abuse, both of their own knowledge, and our credulity, and therefore all the claim is now made by right of conquest; by the session and grant of King Richard, and by the general consent of all the people. It is a bad wool that can take no colour: but what conquest can a subject pretend against his sovereign, where the war is insurrection, and the victory high and heinous treason? As for the resignation which King Richard made, being a pent prisoner for the same cause, it is an act exacted by force, and therefore of no force and validity to bind him: and seeing that by the laws of this land the king alone cannot alienate the ancient jewels and ornaments pertaining to the crown, surely he cannot give away the crown itself, and therewithal the kingdom.

Neither have we any custom, that the people at pleasure should elect their king:

[1] *Quintil. in declam. Cic. Offic. lib.* 1. [2] *Alphons. a cast. in. lib. de hæres. in verb. Tiran. Dom. Sot. lib.* 5. *de just. et jur. q.* 1. *artic.* 3.

but they are always bound unto him, who by right of blood is right successor; much less can they confirm and make good that title which is before by violence usurped: for nothing can then be freely done, when liberty is once restrained by fear. So did Scylla, by terror of his legions, obtain the law of Vellia to be made, whereby he was created dictator for fourscore years: and by like impression of fear, Cæsar caused the law Servia to be promulged, by which he was made perpetual dictator: but both these laws were afterwards adjudged void. As for the deposing of King Edward II. it is no more to be urged than the poisoning of King John, or the murdering of any other good and lawful prince. We must live according to laws, and not to examples: and yet the kingdom was not then taken from the lawful successor. But if we look back to times lately past, we shall find that these titles were more strong in King Stephen, than they are in the Duke of Lancaster. For King Henry I. being at large liberty, neither restrained in body, nor constrained in mind, had appointed him to succeed: (as it was upon good credit certainly affirmed) the people assented to this designment; and thereupon, without fear and without force, he was anointed king, and obtained full possession of the realm. Yet Henry (son of the Earl of Anjou) having a nearer right by his mother to the crown, (notwithstanding his father was a stranger, and himself born beyond the seas) raised such rough wars upon King Stephen, that there was no end of spoiling the goods and spilling the blood of the unhappy people, besides the ruins and deformities of many cities and holds, until his lawful inheritance was to him assured. It terrifieth me to remember how many flourishing empires and kingdoms have been, by means of such contentions, either torn in pieces with detestive division, or subdued to foreign princes, under pretence of assistance and aid: and I need not repeat how sore this realm hath heretofore been shaken with these several mischiefs: and yet neither the examples of other countries, nor the miseries of our own, are sufficient to make us to beware.

O English-men, worse bewitched than the foolish Galatians: our unstayed minds and restless resolutions do nothing else but hunt after our own harms: no people have more hatred abroad, and none less quiet at home: in other countries the sword of invasion hath been shaken against us: in our own land, the fire of insurrection hath been kindled among us: and what are these innovations, but whetstones to sharpen the one, and bellows to blow up the other.

Certainly, I fear that the same will happen unto us which Æsop fableth to have been fallen unto the frogs; who, being desirous to have a king, a beam was given unto them: the first fall whereof did put them in some fear, but when they saw it lie still in the stream, they insulted thereon with great contempt, and desired a king of quicker courage: then was sent unto them a stork, which, stalking among them with stately steps, continually devoured them. The mildness of King Richard hath bred in us this scorn, interpreting it to be cowardice and dulness of nature: the next heir is likewise rejected: I will not say that with greater courage we shall find greater cruelty; but if either of these shall hereafter be able to set up their side, and bring the matter to trial by arms, I do assuredly say, that which part soever shall carry the fortune of the field, the people both ways must go to wrack. And thus have I declared my mind concerning this question, in more words than your wisdom, yet fewer than the weight of the cause doth require. And do boldly conclude, that we have neither power nor policy, either to depose King Richard, or to elect Duke Henry in his place; that King Richard remaining still our sovereign prince, and therefore it is not lawful for us to give judgment upon him; that the duke, whom you call king, hath more offended against the king and the realm, than the king hath done, either against him or us; for, being banished the realm for ten years by the king and his council (amongst whom his own father was chief) and sworn not to return again without special licence, he hath not only violated his oath, but with impious arms disturbed the quiet of the land, and dispossessed the king

from his royal estate, and now demandeth judgment against his person, without offence proved, or defence heard. If this injury and this perjury doth nothing move us, yet let both our private and common dangers somewhat withdraw us from these violent proceedings.

The Characteristic Description of this stout and renowned Champion of Fidelity and Loyalty: The Reader may be pleased to take it transcribed from the learned Francis Godwin, Bishop of Hereford, in his Succession of the Bishops of England; iisdem verbis, *as he there relates it.*

Thomas Merks, a monk of Westminster, was likewise thrust into this bishoprick by the pope at the king's request, and consecrated, 1397. Amongst many unworthily preferred in those days, he undoubtedly was a man well deserving that honour; for he was a man learned and wise, but principally to be commended, first for his constant and unmoveable fidelity unto his patron, and preferred King Richard II. then for his excellent courage in professing the same, when he might safely, yea and honestly also, have concealed his affection. Some others there were (of the nobility) that, remembring their duty and allegiance, when all the world beside forsook that unfortunate prince, followed him with their best assistance, even till the time of his captivity. This man nothing regarding the danger might ensue, not only refused to forsake him, when he had forsaken himself, but defended him and his cause the best he could, when he might well perceive his endeavour might hurt himself much without any possibility of helping the other. When the furious and unstable multitude, not contented that King Richard had resigned his crown to save the head that wore it, and their darling Henry IV. seated himself in his royal throne, importuned the parliament assembled to proceed yet further against him, desiring, no doubt, that, to make all sure, his life might be taken from him. This worthy and memorable prelate stepping forth, doubted not to tell them, that there was none amongst them meet to give judgment upon so noble a prince as King Richard was, whom they had taken for their sovereign and liege lord for the space of twenty-two years and more. And proceeding further, I assure you, quoth he (I report his words as I find them in our chronicles) there is not so rank a traitor, nor so errand a thief, nor yet so cruel a murtherer, apprehended, or detained in prison, for his offence, but he shall be brought before the justice to hear judgment; and will you proceed to the judgment of an anointed king, hearing neither his answer nor excuse? I say, and will avouch, that the Duke of Lancaster (whom you call king) hath more trespassed to King Richard and his realm, than King Richard hath done either to him or us. For it is manifest and well known, that the duke was banished the realm by King Richard and his council, and by the judgment of his own father, for the space of ten years, for what cause you remember well enough: this notwithstanding, without licence of King Richard, he is returned again into the realm, and that is worse, hath taken upon him the name, title, and preheminence of king. And therefore I say that you have done manifest wrong to proceed against King Richard in any sort, without calling him openly to his answer and defence. This speech scarcely ended, he was attached by the earl marshal, and for a time committed to ward in the abbey of St Albans,—continuing yet his loyal affection to his distressed master. Soon after his enlargement, he joined with the Hollands and others in a conspiracy against King Henry: which, being bewrayed to the destruction of all the rest, he only was pardoned. Peradventure in regard of his calling: for it had never been seen hitherto that any bishop was put to death by order of the law. Peradventure in some kind of favour and admiration of his faithful constancy (for virtue will be honoured, even of her enemies) peradventure else to this end, that, by forcing him to live miserably, they might lay a punishment upon

him more grievous than death, which they well saw he despised. The pope (who seldom denied the king any request that he might afford good cheap) was easily intreated to translate forsooth this good bishop from the see of Carlisle, that yielded him honourable maintenance, unto Samos in Greece, whence he knew he should never receive one penny profit. He was so happy as neither to take benefit of the gift of his enemy, nor to be hurt by the masked malice of his counterfeit friends, disdaining as it were to take his life by his gift, who took away from his master both life and kingdom, he died shortly after his deliverance, so deluding also the mockery of his translation, whereby (things so falling out) he was nothing damnified.

Quicquid in historiâ discribitur, vel ad imitandum indigitat, vel ad evitandum instruit.

Articles of High Treason, and other high Crimes and Misdemeanors against the Duchess of Portsmouth.

Louisa de Querouaille, the celebrated Duchess of Portsmouth, and favourite mistress of Charles II., fell into great discredit with the good people of England, during the time of the popish plot. She may indeed be supposed to have been faithful to the French and catholic interest, but it is difficult to conceive that she should have been engaged in a plot against the life of her lover, upon whom her whole importance depended. A ludicrous story is often told of Nell Gwynne's being beset by the mob, who mistook her coach for that of the Duchess, until, putting her head through the window, she assured them she was the *Protestant Whore*, and was suffered to depart with acclamation. But, notwithstanding the popular clamour and the remonstrances of his best friends, the attachment of Charles to this seductive Dalilah remained unshaken. Her apartments were generally the place in which he spent his lighter and gayer moments, and her wit and talents no less than her beauty retained her royal captive in her chains to his death More constant than her rival the Duchess of Cleveland, or at least more regular in her outward conduct, she was politically considered as a more dangerous connection for the King of England. Her weight, and it was considerable, was always thrown into the scale of France, and it was no wonder that she excited the jealous resentment of the commons of England.

I. IMPRIMIS, That the said duchess hath and still doth cohabit and keep company with the king, having had foul, nauseous, and contagious distempers; which once possessing her blood, can never admit of a perfect cure; to the manifest danger and hazard of the king's person, in whose preservation is bound up the weal and happiness of the protestant religion, our lives, liberties, and properties, and those of our posterity for ever.

II. She hath, laboured to alter and subvert the government in church and state, now established by law; and in the room thereof, to introduce popery and tyranny in the three kingdoms, by her counsels from time to time.

III. She hath, by her persuasion, countenance, and other artifices and insinuations, reconciled several of her servants and others, natural born subjects, to the communion of the see of Rome, in defiance of the statute which makes it capital, Jac. 3, 4.

IV. She advised, and still does nourish, foment, and maintain that fatal and destructive correspondency and alliance between England and France, being sent over and pensioned by the French king to the same end and purpose, and consequently hath rendered ineffectual those frequent addresses in parliament for a war with the French king; and, in order to the propagating these her malicious, detestable, and destructive designs, against our religion and government, the several French ministers, who have resided here since the breach of the tripple league, (from whence we of these three kingdoms have and still groan under) have and do still resort to her apartment in his majesty's royal palace, where, having several conferences with his majesty, they have pryed into his secret counsels; and, by the assistance of her, her agents and French ministers, have fixed and continued the aforesaid accursed amity between England and France, against the grave and repeated advice of the whole nation in parliament.

V. That she hath endeavoured to her power to stifle and villify the king's evidence, to create a disbelief of the king of the plot against his royal person, subversion of the protestant religion and government, interceded for by traitors impeached by parliament, and other arch-traitors (particularly father Ireland the jesuit) arraigned, heard fairly, and legally condemned, and most justly executed.

VI. She has from time to time intermeddled and advised in matters of the highest moment and importance in government, as peace and war; several dissolutions and prorogation of parliament, matter depending wherein the very life and soul of the government in church and state was concerned.

VII. That she advised a disgeneral peace, so destructive to Christendom, and particularly to these three kingdoms, it being in our power to have turned the scale.

VIII. That she placed and displaced great ministers in church and state, as she judged might be most serviceable in promoting the French popish interest.

IX. That she not only took upon her to make chief ministers as aforesaid, but either received sums of money in hand, and pension yearly out of their profits, salaries, and perquisites, which hath in great measure contributed to that general corruption in all places; and nothing being more unnatural, than when trust and places are bought, justice must be sold.

X. That she hath been an unspeakable charge and burthen, having had given her, for many years past, prodigious sums of money in other people's name, (the better to disguise the matter) as well out of the publick treasury as the privy purse; and such is her ascendant over the king, that, in her own apartment, she prevailed with the king, there to sign and seal warrants for grants of vast sums of money, and particularly procured the king's warrant to the Earl of Danby (now impeached and in the Tower) for 100,000*l.* and this at one time, which ought to have been applied for the safety, honour, and reputation of this kingdom.

XI. That hardly any grant, office, or place was given, but through her or her emissaries intercession, and money given to them.

XII. Those vast prodigious sums she hath for the most part was to be transported to a nation, by religion, interest, and practice, an enemy to our religion and government, to the weakening and impoverishing of our nation, and the strengthening and enriching of our adversaries.

XIII. That she hath procured farms and undertakings of the several branches of the revenue at lower rates than really worth, having been bribed for so doing.

XIV. That she hath protected several from justice, and particularly the Earl of Ranelagh, who had cheated, defrauded, and abused the king in his revenues of Ireland; supporting him against many representations from the government of Ireland, and many orders of the king and council here; full-well knowing several articles were in a secret committee against the said earl, not only for cheating his majesty in Ireland, but for combining with the Earl of Danby in England, to defraud the king, and particu-

larly in the excise farm, undertaken by the Dashwoods; and, notwithstanding such is her power, she still protects the said earl, not only from his accounts, but in his place of treasurer, which does reflect upon his majesty, to keep such a person in place in spight of all the orders in council, his own convictions, and does wholly discourage a parliament to give a supply when such are employed; and has procured several letters in favour of the said Earl of Ranelagh, as well to the present as former governors, to the dishonour of the king and interruption of justice.

XV. That she got grant in Ireland, (in other persons names) as well to crown rents, as others, to the great disorder, distraction, and vexations of the subjects, who are liable to have their estates and title questioned and disturbed by commissions of enquiry, and otherways, as officers for the king.

XVI. That she procured to herself a grant of the revenues, arising by the wine licences, towards the defraying of her extravagant debts; most contrary to the express letter of the act of parliament, which provides most positively, that the revenues arising therefrom shall not be employed or granted to any private use whatsoever: Yet, such was her power with his majesty and the Earl of Danby, late lord treasurer, that she procured three able honest servants to his majesty to be turned out of their commissions in the wine-licence office, because they would not lend her money upon the security of the said revenue, contrary to the act of parliament above mentioned; and such is her power with several of the commissioners of his majesty's treasury, that she hath procured Doctor Taylor, her servant, to be made a commissioner in the new commission of wine-licence office, in prejudice of those persons turned out by the Earl of Danby, as aforesaid, on purpose that he the said Doctor Taylor should govern that branch of the revenue (in spight and contempt of an act of parliament, appointing it to publick end and government) for the duchess use and behalf; neither can it be for any other end and purpose; for that the said Doctor Taylor, by reason of the many affairs he has to manage of the duchess, cannot attend the king's service.

XVII. That she hath and doth relieve and countenance in her family and lodgings in Whitehall, several servants, whom she knows to be papists, and ill affected to the protestant religion and government, giving them frequent and private access to his majesty, to the hazard and danger of his majesty's person, and in a contempt of a late act of parliament, whereby all papists whatsoever (except father Huddlestone, seven women servants and some foreign servants to her majesty) were prohibited to come within the limits of his majesty's palace or court; notwithstanding which act of parliament, she hath, and still doth, not only relieve in her lodgings, as aforesaid, several servants of the popish persuasion, but she hath lately taken into her service a French papist, whom she formerly preferred to his majesty as a confectioner, and who was entered of his majesty's service upon the aforesaid act; which said confectioner doth daily prepare sweetmeats and other banquettings (in triumph over the late fresh act of that parliament) for his majesty at her lodgings, so as his majesty may be in an imminent danger from the aforesaid French papist, who has such opportunity to poison his sacred majesty (by mixing poison in the sweetmeats) whom God long preserve.

XVIII. That the day before his majesty fell sick at Windsor, she persuaded his majesty (being then in her lodgings) to eat a mess of broth, prepared by some of her papist servants, whereupon his majesty fell immediately sick; it being the opinion of some able physicians, that his majesty's disease were much augmented, if not wholly created, by the aforesaid broth.

XIX. That, during his majesty's sickness, she introduced several unknown persons by a back door to his majesty's bed-chamber, who, in all likelihood, were Romish priests, French physicians, agents or ministers of the French king's, all which persons could have no honest or lawful business with his majesty, at that time especially, being privately introduced, and his majesty's proper servants, belonging to his bed-chamber, be-

ing all sent out, except such as were popishly affected, her creatures consequently, and her footmen ordered to wait in the anti-chamber, as is judged, to prevent any body's hearing or seeing them, as if they had been of his majesty's bed-chamber.

XX. That she has by her creatures and friends given out and whispered abroad, that she was married to his majesty, and that her son, the Duke of Richmond, is his majesty's legitimate son, and consequently Prince of Wales, his health being frequently drunk by her and her creatures, in her night-debauches and merry-meetings, to the great dishonour and reflection of his majesty, and the manifest peril and danger of these kingdoms, who may hereafter by such false and scandalous stories and wicked practices be embroiled in distractions, if not blood and civil wars, to the utter ruin of his majesty's subjects, and subversion of the protestant religion, it being manifest, she being a papist herself, will breed her son in the same religion, however she may pretend to the contrary.

XXI. That she having that high and dishonourable absolute dominion and power over the king's heart, she has opportunity to draw from him the secrets of his government; opportunity, by herself, or other engines of hers, to poison, or otherwise to destroy the king: opportunity, at least, to promote a French popish interest, so that it is not only impossible the protestant religion should live, but it's not possible the king can have a due sense of the danger he was or may be in from the Romish conspiracy, which has, is, or may be against his royal person or government.

XXII. That she has had the highest honours and rewards conferred on her and hers, to the high dishonour of God, the encouragement of wickedness and vice (which by such examples is overspread the nation, and for which God's anger is kindled and inflamed against us) suppressing and discouraging of virtue, whose rewards those high titles and honours ought to be, and this to the eternal reproach of his majesty's reign and government.

The Speech of the Right Honourable Sir Patience Warde, Lord-Mayor Elect, at Guild-Hall, London, September 29, 1680, *being the Day of his Election. Together with the Speech of the Right Honourable Sir Robert Clayton, Knight, the present Lord-Mayor of London.*

The Speech of the Lord-Mayor Elect.

Gentlemen,

I cannot but be sensible of the honour you have been pleased to confer upon me, in calling me by your free choice to the place of chief magistrate of this populous and famous city, and therefore am obliged to return you, as I do, my humble acknowledgment.

Although when I reflect upon the meanness of my abilities, for the discharge of so great and difficult a service, especially under the present circumstances of affairs, when fears and cares press on us, I might heartily have wished to have been excused, yet, in confidence of (and imploring) the divine assistance, and hopes of your favourable acceptance of my sincere endeavours, I submit to the same.

I do not presume to think that I shall be able to come up to the pattern my worthy predecessor hath set before me, whose excellent conduct hath contributed much to our peaceable and safe meeting this day, and well deserves our praise and thanks; but I shall labour to imitate it the best I can.

I shall, according to the best of my understanding, make the laws of the land, and the constitutions, usages, and customs of this renowned city my rule; the glory of God, the honour of the king, the upholding of the protestant religion, and maintaining the peace, liberties, and prosperity of this city, my end in all my administrations: and if at any time I shall seem to any of you to deviate from these, I entreat you to make candid construction, and forbear sudden and severe censuring my actions, waiting for better information. For if, through human frailty, I may fail in a circumstance, I assure you, in the main and substance I shall never swerve from this my proposed end.

Our indefatigable enemies the church of Rome (who in former times did lay and carry on designs for subversion of the protestant religion, and government established in these kingdoms) have of late been more active than ever. And to pass over the burning the city, and frequent attempts of that kind, and the many other plots and conspiracies at our remoter parts, came to those horrid resolutions of assassinating his majesty's royal person, and to menace even justice itself in the inquiries after them, by that barbarous murder of (the never to be forgotten) Sir Edmund-Bury Godfrey, and attempts on others, in order to an introducing their false religion: all which carry their own evidences so full and great, that such who will not shut their eyes have demonstration; and calls aloud upon us to watch against such a people, whose religion (according to their casuists) allows, if not engageth them in such practices.

But besides these, wherein God hath wonderfully disappointed them (and I hope ever will) there is just cause to apprehend they are more secretly undermining us, and, amongst other ways, by being the occasion of or at least taking occasion from the great impiety, prophaneness, and atheism of late crept in amongst us; and the raising and fomenting divisions and animosities between ourselves; and therefore, as much as in me lies to obviate these their wicked purposes, I have propounded.

First, To endeavour the advancement of the glory of God; and, in order thereunto, I am resolved to be impartial in the punishment of wickedness and debauchery, and in countenancing piety and virtue; and entreat by your good admonitions and examples to make my work the more easy in this particular.

Secondly, To promote the honour of the king, our religion obligeth us to be good and loyal subjects, and to give Cæsar the things that are Cæsar's; and therefore as I shall study to evidence my own unfeigned loyalty to the king's majesty, so I shall be careful, according to law, to punish all disloyalty in any whomsoever.

Thirdly, To uphold the protestant religion, as to which nothing will more conduce than an union in affection of all those who profess the same faith, and agree in the essential doctrine of it, however they may differ touching some circumstantials, that we may, as honest men and good Christians, maintain love and good-will, as those who mind the same thing, and intend the same common good of all, and this to be the only measure of our actions, all private and particular apprehensions being made subject thereto.

Fourthly, To the particular concerns of this city, I shall make it my business to preserve it in peace, and advance its prosperity in all things, and, in order thereto, shall from time to time desire the advice and assistance of my worthy brethren the aldermen, and as often of the common-council as occasion shall require.

And if we are careful to discharge our duty to God, in a sober and pious conversation; to the king, in a dutiful and loyal comportment; to the religion we profess, by union and charity among ourselves; to this city, in promoting its peace and welfare, we need not fear but God will dissipate and disappoint all the designs of his and our

enemies, and continue his blessings to us. And so let us pray that his majesty may be blessed with a long and happy reign, and this city and kingdom with peace and prosperity.

The Speech of the present Lord Mayor.

Gentlemen,

I rejoice to meet you here this day, where I can see the face of my successor, and almost an end of my own troublesome year, in which I can truly affirm I have used my hearty endeavours, for the carrying on and promoting the common business and advantage of the city, with the same integrity and industry I ever did in my own private concerns, as far as my health and strength of body would permit; and I wish I could say, they had had the desired effects. And as for what concerns the publick, though I own myself subject to many human frailties, and pretend not, in that hurry of affairs that attend my office, to be exempted from surprize, yet I can with safety say, that in what I have done therein, I have acted according to the dictates of my own conscience, and the rule of law: And if whilst I have followed those guides, in any thing I have been misled, my satisfaction is, I have them to appeal to for my vindication.

And now, gentlemen, being almost out of office, and not likely to have any other opportunity of speaking to you, before I take my leave of it, I must say one thing more to you.

It is not to tell you how troublesome it hath been to me, nor what hourly cares, for the peace and safety of this city, I have laboured under, nor how I have impaired my health and estate in this service; for all these every sober man's own thoughts will easily suggest to him.

But it is to beg a favour of you, and that not for myself alone, but for you, for us all, and for this great city, (whose members we all are;) and it is, that all of us, who profess ourselves to be Christians, would so far bear testimony to the truth of that profession, as heartily in meekness and forbearance to love one another. And though there be differences in opinions, and the outward modes and forms of divine worship, yet let not these have that effect, as in the least to divide us, or divert us from that common defence, which all good protestants are engaged in to stand together. The due regard of which, in my poor opinion, next under God, is the only probable way left for our deliverance.

I beg your pardon for the freedom I have used, and am well assured, all my defects will be liberally supplied by my worthy successor. And I shall pray, that God of his goodness will disperse those clouds that seem so much to threaten this city and nation, and to defeat all counsels that tend thereto; to bless his majesty with a long and happy reign, and this city and kingdom with peace and tranquillity.

The humble Petition of the Right Honourable the Lord Mayor, Aldermen, and Commons of the City of London, in Common-Council assembled, on the Thirteenth of January, 1680, *to the King's Most Excellent Majesty, for the Sitting of this present Parliament prorogued to the Twentieth Instant. Together with the Resolutions, Orders, and Debates of the said Court.*

The rulers of the city of London during this active period were for several successive years entirely devoted to the whig interest. Sir Robert Clayton, a wealthy merchant, who was accused of having increased his stores by usurious practices, was the present lord-mayor; and his successor, Sir Patience Warde, was, like him, distinguished by his zealous whig principles. The latter, upon the success of the court party, and some legal proceedings against himself for alledged perjury in a political cause, fled to Holland, and did not return till the revolution.

Commune Concil' tent' in Camera Guildhall *Civitatis* London *Die Jovis decimo tertio die Januarii Anno Domini* 1680, *Annoque Regni Domini nostri Carol' Secundi nunc Regis Angl' &c. Tricesimo secundo, coram Patient' Ward Mil', Major' Civitatis* London, *Thoma Aleyn Mil' et Barr', Johanne Frederick Mil', Johanne Lawrence Mil', Georgio Waterman Mil', Josepho Sheldon Mil', Jacobo Edwards Mil', et Roberto Clayton Mil', Aldermannis, Georgio Treby Ar' Recordatore dicte Civit', Johanne Moore Mil', Willielmo Pritchard Mil', Henrico Tulse Mil', Jacobo Smith Mil', Roberto Jeffery Mil', Johanne Shorter Mil', Thoma Gould Mil', Willielmo Rawsterne Mil', Thoma Beckford Mil', Johanne Chapman Mil', Simone Lewis Mil', Thoma Pilkington Ar' Ald'ris, et Henrico Cornish Ar' Ald'ro ac unum Vicecom' dicte Civitatis necnon Major' parte Comminarior' dicte Civitatis in Communi Concil' tunc et ibidem Assemblat'.*

This day the members that serve for this city in parliament, having communicated unto this court a vote or resolution of the honourable house of commons, whereby that house was pleased to give thanks unto this city for their manifest loyalty to the king, their care, charge, and vigilance, for the preservation of his majesty's person, and of the protestant religion, this court is greatly sensible of the honour thereby given to this city, and do declare, That it is the fixed and uniform resolution of this city to persevere in what they have done, and to contribute their utmost assistance for the defence of the protestant religion, his majesty's person, and the government established.

It was now unanimously agreed and ordered by this court, That the thanks of this court be given to the members that serve for this city in parliament for their good service done this city, and their faithfulness in discharging their duties in that honourable and great assembly.

Upon a petition now presented by divers citizens and inhabitants of this city, representing their fears from the designs of the papists and their adherents, and praying this court to acquaint his majesty therewith, and to desire, That the parliament may sit

from the day to which it stands prorogued, until they have sufficiently provided against popery and arbitrary power. This court, after some debate and consideration had thereupon, did return the petitioners thanks for their care and good intention herein; and did thereupon nominate and appoint Sir John Lawrence, Sir Robert Clayton, Knights and Aldermen, Mr Recorder, Sir Thomas Player, Kt. Mr John Du Bois, John Ellis, Esq and Mr Michael Godfrey, commoners, to withdraw, and immediately to prepare a petition to his majesty upon the subject matter of the said petition; who accordingly withdrawing, after some time returned again to this court, and then presented the draught of such a petition to his majesty. The tenor whereof followeth, viz.

To the King's Most Excellent Majesty, &c.

After reading whereof, it is agreed and ordered by this court (*nemine contradicente*) That the said petition shall be presented to his majesty this evening, or as soon as conveniently may be. And the Right Honourable the Lord Mayor is desired to present the same, accompanied with Sir John Lawrence, Sir Joseph Sheldon, Sir James Edwards, Knights and Aldermen, Mr Recorder, Deputy Hawes, Deputy Daniel, John Nicholls, John Ellis, Esquires, Mr Godfrey, and Capt. Griffith, commoners, who are now nominated and appointed to attend upon his lordship at the presenting thereof

To the King's Most Excellent Majesty.

The humble Petition of the Lord Mayor, Aldermen, and Commons, of the City of London, in Common Council assembled,

Most humbly sheweth,

That your majesty's great council in parliament, having in their late session, in pursuance of your majesty's direction, entered upon a strict and impartial enquiry into the horrid and execrable popish plot, which hath been for several years last past, and still is, carried on for destruction of your majesty's sacred person and government, and extirpation of the protestant religion, and the utter ruine of your majesty's protestant subjects; and having so far proceeded therein, as justly to attaint upon full evidence one of the five lords impeached for the same, and were in further prosecution of the remaining four lords, and other conspirators therein.

And as well the lords spiritual and temporal, as the commons in your said parliament assembled, having declared, That they are fully satisfied that there now is, and for divers years last past hath been, a horrid and treasonable plot and conspiracy contrived and carried on by those of the popish religion in Ireland, for massacring the English, and subverting the protestant religion, and the ancient established government of that kingdom.

And your said commons having impeached the Earl of Tyrone, in order to the bringing him to justice for the same; and having under examination other conspirators in the said Irish plot.

And your said commons having likewise impeached Sir William Scroggs, chief justice of your majesty's court of King's Bench, for treason and other great crimes and misdemeanors in endeavouring to subvert the laws of this kingdom by his arbitrary and illegal proceedings: And having voted impeachments against several other judges for the like misdemeanors.

Your petitioners considering the continual hazards to which your sacred life, and the protestant religion, and the peace of this kingdom, are exposed, while the hopes of a popish successor gives countenance and encouragement to the conspirator in their

wicked designs. And considering also the disquiet and dreadful apprehensions of your good subjects, by reason of the miseries and mischiefs which threaten them on all parts, as well from foreign powers, as from the conspiracies within your several kingdoms, against which no sufficient remedy can be provided but by your majesty and your parliament, were extremely surprized at the late prorogation, whereby the prosecution of the publick justice of the kingdom, and the making the provisions necessary for the preservation of your majesty and your protestant subjects, hath received an interruption. And they are the more affected herewith, by reason of the experience they have had of the great progress, which the emboldened conspirators have formerly made in their designs, during the late frequent recesses of parliament: But that which supports them against despair, is the hopes they derive from your majesty's goodness, that your intention was, and does continue by this prorogation, to make way for your better concurrence with the counsels of your parliament.

And your petitioners humbly hope, That your majesty will not take offence, that your subjects are thus zealous, and even impatient of the least delay of the long hoped for security, whilst they see your precious life invaded, the true religion undermined, their families and innocent posterity likely to be subjected to blood, confusion, and ruin; and all these dangers encreased, by reason of the late endeavours of your majesty and your parliament, which have added provocation to the conspirators, but have had little or no effect towards securing against them: And they trust your majesty will graciously accept this discovery and desire of their loyal hearts to preserve your majesty, and whatever else is dear to them, and to strengthen your majesty against all popish and pernicious counsels, which any ill-affected persons may presume to offer.

They do therefore most humbly pray, That your majesty will be graciously pleased, (as the only means to quiet the minds, and extinguish the fears of your protestant people, and prevent the imminent dangers which threaten your majesty's kingdoms, and particularly this your great city, which hath already so deeply suffered for the same) to permit your said parliament to sit, from the day to which they are prorogued, until by their counsels and endeavours those good remedies shall be provided, and those just ends attained, upon which the safety of your majesty's person, the preservation of the protestant religion, the peace and settlement of your kingdoms, and the welfare of this your ancient city, do so absolutely depend. For the pursuing and obtaining of which good effects, your petitioners unanimously do offer their lives and estates.

And shall ever pray, &c.

The Countryman's Petition for a Parliament. 1682.

This tissue of pleonasm is designed to ridicule the petitions of the Whigs, so extremely obnoxious both in matter and manner to Charles and his courtiers.

The humble Petition of Mr Barnaby Clod, a well-descended Person, most humbly, and most obediently, and most submi sively shewing, and expressing, and declaring unto your Great Majesty,

THAT whereas, and whereby, and by which, the major, and most greater, and most bigger, and most stronger party, of the most best, and the most ablest, and the most mightiest sort of the people of the baronage of Whigland, finding, and knowing, and certifying themselves, both heretofore, and for the time past, and now, and then, and at this present time, to be very much, and greatly oppressed, and suppressed, and distressed, and overcharged in all taxes, quitrents, and all other levies and fines, applotted, and levied, and gathered together in the said baronage of Whigland, and for further prevention of any, and all, and every such offence, henceforth, hereafter, and for the time to come, the aforesaid, most major, and most greater, and most bigger, and most stronger party, of the most best, and most ablest, and most mightiest sort of the people, of the baronage of Whigland aforesaid, have appointed, nominated, constituted, ordained, elected, approved, and made choice of me, Mr Barnaby Clod, to sollicit, intercede, and motion, and make application unto your majesty; looking upon me now, and there, and then, to be the most meetest, and the most eloquent, and most accomplished spokesman, within the said baronage, their grand, and well-bestowed, and better-merited agent, to represent, and reprevent, and extortion, for all such, and all much, and the like grievances and disturbances. And whereas, and whereupon, your petitioner is hereby, finally, and handsomely, and ingenuously, and deservedly appointed, constituted, ordained, elected, approved, and chosen, to undergo, and undertake, and under-run, and manage, this huge, big, mighty, great, and weighty service: These are therefore, and shall be the special, and importunate, and incessant, and indefatigable request of me your petitioner, That your majesty will be pleased, satisfied, and resolved, to give, and grant, and deliver, and bestow unto me the before-recited and nominated petitioner, an order and warrant to my Lord of Crabtry, and Mr Captain Yedard Bumkin, justice of the peace, and governor aforesaid, Esq. and to Mr Raafe Yates, justice of the peace, and governor aforesaid, Esq. or to any four or five, or more or less, or either or neither, or none of them, all particulars and parties as they shall imagine and conceive, consider, and suppose, esteem, think fit, and meet and necessary, convenient and decent; and then, and there, and where, and whether, to examine, and call to account, for their past and repast extortion, and then, and

when, and where, and whether, to establish, elect, chuse, impower and appoint, and authorize all such, and all much bailiffs, and applotters, and gatherers together, as your petitioners do, or did, or have, or had, or shall, or will, or may, or can, might, or would, could, or should, or ought to chuse or pitch upon. And withall I desire, that I mine own self, Mr Barnaby Clod as aforesaid, that they, and I, and all, and every, and either or neither of the said parties, shall and will live and die in cords, and concords, concordant discord, sorrowing, rejoicing, dying, living, broken and healed tranquillity, henceforth and hereafter, and for the time past and present, and for now, and for everlasting, &c.

The Case of the Protestants in England under a Popish Prince, if any shall happen to wear the Imperial Crown.

The tracts which follow refer to the celebrated Bill of Exclusion, by which it was designed to deprive the Duke of York of succession to the crown of England, in consequence of his professing the popish religion. However much the propriety of such a bill appeared doubtful when first agitated, it is now certain it would have saved James his bitter downfall from the throne, which he mounted in vain. Yet we may be permitted to admire the blindness of that unhappy and bigotted prince, who, with all the knowledge he possessed of the just jealousy excited by his religion, acted nevertheless with such violence as to force on the catastrophe, which might so easily have been anticipated from the proceedings upon the Bill of Exclusion.

A prince putting himself and his dominions under the pope's authority, and admitting (as he must unavoidably) the laws and decrees of the Romish church,[1] all his protestant subjects, being by the judgment and sentence of that church hereticks, do forthwith lie under the penalties which those laws and constitutions will have inflicted upon hereticks. And these are the severest penalties, being proportioned to the crime which that church judgeth most heinous; for heresy is treason with them, and the highest degree of high treason, for it is (say they) *Crimen læsæ Majestatis Divinæ*, treason against the Divine Majesty, and so much worse than treason against any prince on earth; and upon this ground they commonly justify all severities decreed against hereticks. Not to mention particular doctors, Innocent the Third [2] thus argues in a special instance, This punishment is justly inflicted upon hereticks, because it is so in case of civil treason, which is a smaller fault than treason against the Divine Majesty. And there is an edict of [3] Frederick confirmed and made a church-constitution by several popes, particularly by Innocent IV. wherein what is enacted against traitors is

[1] By the law of the church, *Sic omnes apostolicæ sedis sanctiones accipiendæ sunt tanquam ipsius divini Petri voce firmatæ sint*, Distinct. 19. cap. 2. All the constitutions of the Roman See must be received, as if they were made firm by St Peter's own mouth. And it is enacted by a general decree (*Generalio Decreto constituimus*) that whatsoever, king, bishop, or nobleman, shall believe that the decrees of the Roman bishops may be, or shall suffer them to be violated in any thing, be accursed, (*execrandum anathema sit*) and shall for ever remain guilty before God, as a betrayer of the catholick faith. Caus. 25. q. 1. cap. 11.

[2] Caput Vergentis, de Hæreticis.

[3] Septem Decretal. lib. 5. tit. 3. de Hæreticis.

declared to fall upon hereticks *multo fortiùs justiusque*, with much more force and justice. So that the papal authority being introduced among protestants, they are forthwith traitors by law, and stand in no better terms than the worst of traitors, and are exposed to the penalties which the highest treason is judged worthy of. Let me instance in two or three particulars briefly; for I must but point at the miseries of protestants in such a state, not give a full prospect of them,

Infamy is one of them (that I may begin with the least.) Hereticks are infamous by law,[1] "It is certain (saith[2] Suarez) that hereticks both by common and civil law are infamous," for which he alledged several texts of the pope's law, and extends it to the favourers of hereticks, if they repent not within a year; and to their children for some generations, if their parents died pertinacious.

It is many penalties in one, including several things grievous and intolerable to all sorts;[3] for upon this account, those whom they count hereticks are deprived of all nobility, jurisdiction, and dignity; and debarred from all offices, benefices and publick councils; they are incapable of chusing, or of being chosen to them, (so that it reacheth all sorts) clergy, laity, noble and ignoble, (as the same author tells us.) And they fall under all this immediately, *ipso facto*, as soon as they are hereticks, before any sentence declaratory of their crime; so in a manner all the[4] doctors conclude, *In quo authores ferè conveniunt*, proving it from the very words of the law aforementioned.

Let me mention some of the particulars comprized in this legal infamy: protestants are hereby excluded from all publick councils, and so from parliaments; being uncapable of either chusing, or being chosen thereto. This is the decree of a general[5] council, besides several constitutions for it in the canon law. So that all the lords and commons of England would be by law (while they are protestants) debarred from having any place in parliament, and all the freeholders from chusing any; and that by a law paramount to any civil law or national constitution: and this alone would be enough to ruin and enslave this, or any people whose liberty depends upon parliaments. They are excluded from all dignities, this is essential to the penalty; for it is a[6] rule in their law, *infamibus portæ non pateant dignitati;* particularly noblemen are degraded from their nobility, and deprived of all honours,[7] this by the same law: And it is extended to their children by many of their[8] authors, who say expressly, that the issue of traytors, civil or spiritual, lose their nobility, both that which they had by privilege and that which comes by descent from their ancestors.

They are deprived not only of all ecclesiastical benefices but of all secular offices, which is expressed in the law forequoted; particularly, it is decreed,[9] that hereticks be not admitted into any publick office or benefice; but if they be, it is null and void. Nor can they exercise any jurisdiction, either spiritual or civil, as their[10] authors commonly determine: And, upon this account, they conclude all our judges, justices, and magistrates, that are protestants, to be incompetent, such as have no more jurisdiction than the bench they sit on, and think not themselves at all obliged to answer them; or if they condescend to give them an answer, yet not to speak the truth before them, although they be sworn to it.

[1] Caput Infames 6. q. 1 cap. alieni. 2. q. 7. Cap. Excommunicamus 1 §. credentes. de Hæreticis. Cap. Statum. de bæret. in 6.

[2] De Fide. Disp. 21. §. 5. n. 3.

[3] Suarez ibid. Diana. sum. v. Hæret. n. 9. Pet. St Joseph in 1. Deca. p. 39. Tho. Sanchez. op. Moral. lib. 2. n. 12.

[4] Suarez ibid. n. 4.

[5] Con. Lateran. sub Innocent 3. in Crab. Tom. 2. Concil. p. 948.

[6] Regul Juris 87. in 6.

[7] De Hæreticis cap. ut Commiss. in 6.

[8] Faber Teraquillus, Cantera, Otalora in Sanchez. ibid. l. 2. c. 29. n. 1.

[9] Cap. 2. §. Hæretic. de Hæreticis in 6.

[10] Aquinas, Soto, Castor, Azor, Simanca, et Suarez, ibid. Disp. 21. §. 5. n. 12. By the constitution of Gregory IX. an heretick is deprived of all jurisdiction, whether natural, civil, or politick. Simanca Instit. 46. §. 74. Juxta Constitutiones Gregorii IX. &c.

In short, all that owe any duty to hereticks are discharged from the obligation, and exempted from paying any. In their canon law it is decreed,[1] that all who are bound to hereticks by any obligation, whether of oath, or fealty, or service, or any other agreement, or promise, are freed therefrom. Subjects owe no allegiance to their prince, nay they may lawfully kill them, as their authors commonly conclude. Servants owe masters no faithfulness, no service; though they be slaves, and purchased with their money, yet they are discharged; and if they discover their master's heresy, and so seek to take away his life, though they be not Christians, it is reason (they hold) that they have absolute freedom; when none but Christian slaves may have it, save upon such a treacherous[2] account. Parents lose authority over their children, so their law[3] will have it: And children owe no duty to such parents, only, they are bound under mortal sin to denounce them, that is, to discover their heresy; which is the way to deprive their parents of their lives. And they give this reason for it, because it is lawful for a child to kill his father if he be an enemy to the commonwealth; and, therefore, he may much more lawfully, in this case, deal thus with his father, that is, betray him to death. This is an act worthy of honour and praise, as is proved by the constitutions of several popes, and so many other[4] writers, that it may pass for their common doctrine; nor can they be secured from suffering for their parents heresy, without detecting them as Innocent IV. decrees.[5]

We see a little to what condition the admission of the papal authority would reduce us; it would expel nature and humanity, and make the dearest relatives unnatural and barbarous to one another; it would leave no protestant either dignity or authority, either safety or liberty; by these laws (which must then be ours) our nobles are sentenced to be peasants, and peasants must be no better than slaves.

Secondly, another penalty to which hereticks are condemned by their laws, is confiscation of all their estates or goods, and this they incur *ipso jure, et ipso facto*, that is, immediately, as soon as they show themselves hereticks, before the sentence of any judge. There is an express decree[6] for this in the canon law, *bona hæreticorum ipso jure decernimus confiscata.* We decree that the goods of hereticks are confiscated by sentence of law. In this the gloss, and all the doctors who write of[7] hereticks, do agree; and upon this reason among others, because human laws punish treason against men, and sometimes lesser crimes, with confiscation of goods; therefore, much more must treason against the Divine Majesty, which is committed by heresy, be thus punished. And this reason is assigned not only in the text of the canon law now mentioned, but also in other texts, particularly Innocent[8] the Third thereby proves that hereticks goods are confiscated, because this is decreed against civil treason, which is much less than that against the Divine Majesty.

By virtue of this confiscation, hereticks, as soon as ever they discover it, are deprived of all propriety and title to their estates, before any sentence passed against them. Suarez[9] saith, this is the common doctrine. Sanchez[10] musters up multitudes of doctors for it: And [11] Corduba tells us, that all their doctors in a manner, both canonists and divines, maintain it.

But though they generally agree that protestants by law have lost all propriety, and

[1] Cap. Final. de Hæreticis.

[2] Azon. Instit. Moral. tom 1. l. 8. c. 12. q. 7. Penna, Molinæ, et Sanchez. ibid. c. 24. m. 10, 11.

[3] Cap. 2. §. final. de Hæreticis in 6.

[4] Bonacina de obligatione denunciandi. Disp. 4. p. 2. n. 3. Ita Farinacius, Azorius et alii ferè communiter. Id. ex aliis Sum. Pontificum Constitutionibus probat Penna. ibid.

[5] Septem Decret. de Hæretic. c. 3.

[6] Cap. cum secundum leges, de Hæret. in 6. [7] Suarez. ibid. Disp. 22. §. 1. n. 2.

[8] Cap. Vergentes, vers. cum enim, de Hæreticis. Cum longè sit gravius, æternam quàm temporalem lædere Majestatem.

[9] Ibid. §. 3. n. 1. [10] Ibid. cap. 22. n. 2. [11] Quæst. Theol. lib. 1. q. 36. p. 290.

have no title to any estate, yet there is some difference among them about the possession of what is thus confiscated. For many of them hold, that hereticks, before any sentence, are bound in conscience to quit the possession of all they have, and sin damnably if they do not; especially if their heresy be publick and notorious, as it is in all professed protestants: And their reasons are good enough, if the principles upon which they proceed were so. For the sentence which some count pre-requisite is not pretended to be damnatory, to condemn to the punishment, for that is already done by law; but only, (as all agree) declarative of the crime, that the crime may be evident, and who are guilty of it; which *is* needless when it is evident and notorious before.

Others of them teach that hereticks may keep possession, and are not to be deprived of it, before the sentence declarative of the crime. But though this latter seem more favourable, yet it is of little or no advantage to protestants, since those that have a mind to their forfeited estates, may soon procure such a sentence; for an ordinary bishop, or other ecclesiastical person, may pass it, as the law itself [1] declares. For example: Corker the Benedictine, lately arraigned, was ordered by the pope to be bishop of London. If their plot had so far succeeded, that the pope's orders had taken place, he might in his spiritual court have declared all the known protestants in London and his whole diocese to be hereticks; which done, all the nobles, citizens, and others in his diocese, might have been turned immediately out of possession, and stript of all they had; and this by law. The effects of this confiscation, wherein they all agree, make the severity of the law apparent; and the forbearance of seizure before sentence of little consideration, if they thought themselves obliged not to seize such estates before.

First, All the profits made of the estate, from the first day of their guilt, are to be refunded, if they be extant and found among their [2] goods, formally, or but so much as equivalently; nay, some [3] will have them responsible for the mean profits, though they be consumed or spent, if so be they knew themselves to be obnoxious when they spent them; or being spent, if the estate be any thing better on that account, they are still looked on as being extant, and the estate still liable: And it is counted better, if the party be [4] richer, if he therewith bought any thing else, or made use thereof to pay his debts, or bought but necessaries to live on, and thereby spared his other revenues.

Secondly, All alienations by gift, sale, or otherwise, before sentence, are null and void; and all contracts for that purpose rescinded; in this, Suarez saith, all their writers agree [5] unanimously; and the exchequer of the pope or popish prince will recover all that hath been so disposed of by the hereticks to others where they be, or in whose possession soever they be found, or through how many hands soever have passed; this is the doctrine universally embraced by all their doctors of law, and all their divines, so understanding the text of their law, as [6] Sanchez tells us. Nay, it is a sin [7] for him to sell any part of his goods or estate, without discovering to the purchaser his hazard, in buying what is by law confiscated. And, in this case, the purchase will be forced from him without restoring the price he paid for it, unless it be found among the hereticks goods, for which the same jesuit alledged above thirty [8] doctors. Nor are those to whose use the estate is escheated any way obliged to pay any of the hereticks debts [9] which were contracted since his heresy, and so his creditors (not excepting Roman catholicks) may be lawfully ruined, as well as himself.

[1] De Hæreticis. Cap. cum secundum legis, in 6.
[2] Suarez, de fide. Disp. 22. §. 4. n. 11. Sanchez ubi supra, c. 21. n. ult.
[3] Simancha, Vasquez in Suarez, ibid. n. 11, 12. [4] Idem ibid. §. 4. n. 9.
[5] Ibid. §. 1. n. 5. In hoc effectu concors est sententia omnium scribentium.
[6] Ibid. l. 22. n. 33. [7] Idem ibid. n. 61. Ibid. n. 68. [9] Ibid. n. 76.

Thirdly, The children and heirs of hereticks are deprived of their portions. And though this seem hard in their own apprehensions, that they should be ruined and reduced to poverty for their parent's fault, yet what they suffer is not to be considered, because the child is not here punished by or in himself, but by an accident, and in another. And this is all the satisfaction the best of them give in this pitiful case.—Suarez ibid. Nor will their law admit that any commiseration of the innocent should be any impediment to the severity of the execution; but provides against it in these words, "Neither shall this severe censure, for the disinheriting of orthodox children, be any way hindered by the pretence of compassion; since, in many cases, by divine judgement, the children are temporally punished for their fathers; and, according to canonical sanctions, vengeance may be sometimes taken, not only upon the authors of wickedness, but their posterity." *Cap. vergentis, Tit. de hæreticis.*

But what if the children to whom the estate is left be Roman catholicks, are they to be thrust from an estate left them by their heretical parents? This seems impolitick, since hereby no hopes are left to any for securing their estates by turning papists; and not only so, but they confess it seems to be against piety, and in the fourth synod of Toledo there is a limitation for the security of such innocents; but by the canon law in aftertimes that limitation was exploded, and the catholick descendants of hereticks excluded from having any advantage [1] by their confiscated estates. This is expressed in the text of their law, and more fully in an original epistle of pope Innocent III. Suarez ibid. p. 775.

But suppose the posterity of a protestant or his children, being still papists, have continued in the possession of the estates so left them for many years together (forty or an hundred years) will not this create them a title, since prescription may do it where there is no other right, and is allowed so to do both by civil and canon law, and an hundred years is confessed to be sufficient for prescription [2] against the Roman church in other cases?

No, an hundred years will not suffice in this case, if the possessors or their fathers knew that he who left them the estate was an heretick, and if he was at any time suspected to be so while he lived; or if he was reputed a catholick all his days; yet if, any time within forty years after his decease, it appears he was an heretick, there is no place left for prescription: but then they will have the estate seised, in whose hands soever it be found, and the [3] possessors thrust out, though they be Roman catholicks.

Hereby it appears that, as soon as the papacy is admitted, all title and property is lost and extinct among us by the law which will then be in force, unless in those few families who never had a protestant proprietor; nor are they secure as to any part of their estate, which ever belonged to hereticks: and therefore we must not think his holiness acted extravagantly, when he declared all his majesty's territories to be his own as forfeited to the holy see for the heresy of prince and people: for herein he proceeded regularly, and according to that which they esteem the best law in the world. Not only abbey lands are in danger, whoever possess them, but all estates are forfeited to his exchequer, and legally confiscated: all is his own which protestants in these three nations have or ever had, if he can but meet with a prince so wise as to help him to catch it.

Thus we see the process of their law against protestants must not end with their lives, but follow them many years beyond death and the grave; and ruin their children, and childrens children, when they are gone: and when they have left a heretick nothing of his own to subsist on, it is provided also that he shall have no relief from others: for this is part of his penalty,[4] that none shall receive him into their houses, nor afford him any help, nor shew him any favour, nor give him any counsel.

[1] Cap. Vergentis de Hæreticis.
[2] Menochius & alii in Diana. Sum. V. Præscrip. n. 2.
[3] Sanchez. l. 2. c. 22. n. 41.
[4] Zanardus, Director. pars 2. p. 126.

We in England are zealous for property, and all the reason in the world we should be; but we must bid adieu to this when we once come under the pope's authority; for as soon as this is admitted, all the protestants in these nations are beggars by law, by the laws of that church (which will then be ours) divesting us of all propriety and title to whatever we count our own.

Thirdly, The last penalty I shall insist on, which their law will have inflicted on hereticks, is death.

This is the sentence of the canon law. Hereticks[1] are to be delivered to the secular power to undergo due punishment; and that is death, as appear by many papal bulls approving and receiving the civil laws, which have adjudged hereticks to death. For though those laws were originally intended against such only which were hereticks indeed, yet, since the Roman church will have all protestants to be hereticks, they must suffer death by virtue thereof, how far soever they be from heresy.

And the canon law further determines, that secular judges cannot remit the penalty, as appears by the text, cap. *ut officium*, and is more fully explained in the bull of Urban IV. Hereupon[2] Zanardus takes it for granted, that all laws will have every heretick put to death; and their angelical doctor[3] is positive, that hereticks, though they do not pervert others, may be justly killed by the secular judges, and bereaved of all they have, rather than such as are guilty of high-treason.

If there were need to cite particular doctors, Suarez assures us, that it is the judgment of all their doctors, *Ita docent omnes doctores.* But there is a constitution of Paul IV.[4] which may serve instead of all; where, to shew how impartial their decrees are in this case, having declared that, with the unanimous consent of the cardinals, all pœnal acts, canons, constitutions against hereticks, made by any popes, councils, or others, are by apostolical authority renewed and inforced, he specifies persons of greatest eminency in church and state, viz. earls, barons, marquesses, dukes, kings, emperors, &c. and will have all these punishments inflicted on them, if they are or shall hereafter be hereticks. Particularly it is decreed, that they are therefore deprived wholly and perpetually of their baronies, marquisates, dukedoms, kingdoms, empires, and rendered uncapable hereof, so as they shall never be restored. And to make sure work, all of them, kings and emperors among the rest, shall be put to death.[5] Only if they recant, the holy see may shew them this clemency, as to thrust them into some monastery, there to do penance all their days with bread and water.

This punishment they extend very far,[6] for death is to be inflicted, not only on the teachers of what they call heresy, but on all who believe any doctrines opposite to what the Romanists receive as matters of faith, though they draw none else thereto; yea on all that believe any one point of such doctrine, though they renounce all the rest; for they agree, that one error makes a heretick, though all besides that one be abjured. And on those also who abjure them all, if they do not likewise discover their complices, and so betray all the protestants they know to death. For such, though they do profess themselves to be papists, and conform to them in all things, yet if they discover not others, and expose them to death, they are judged to be but[7] counterfeit catholicks, and not worthy to live.

The death they will have us suffer is burning alive; no death more tolerable, or of

[1] Cap. ad abolendum de Hæreticis. Vide Suarez ubi supra. Disp. 23. §. 2. n. 1. & 3.
[2] Direct. pars 2da. 2dæ. p. 754. [3] Secund. 2dæ. q. 10. Art. 8. Corp.
[4] Septem Decretal. l. 5. tit. 3. c. 9.
[5] Sæcularis relinquantur arbitrio potestatis, animadversione debita Puniendi. Which expression they thus explain, Debita nimirum secundum jura civilia quæ est pœna mortis. So Suarez ibid. Disp. 23. §. 2. n. 3.
[6] Idem ibid. §. 2. n. 5, 6.
[7] Quia est occulator Hæreticorum — et ideo meritò judicatur fictè conversus. ib. §. 6.

less exquisite torture will satisfy the mercy of that church. For though they find no rule for this in the body of the civil law, yet they alledge some latter constitutions for it, and particularly that of Frederick (which the popes have made their own law) in these words,[1] *Decernimus ut vivi in conspectu hominum comburantur*, we decree that they shall be burned alive in the sight of the world. The holy canons, it is presumed, are for it: the first statute of Henry IV. in England, for the burning of hereticks, was enacted according to the holy canons. And if they had no other law for it, yet the use and custom of their church hath the force of a law; and makes it as lawful and necessary for them to burn protestants, as it is to burn faggots when they are cold; and that it is the custom of the church they have the testimony of all nations round about us. We need go no further than our native country, where in the days of the last popish successor it is proved by near three hundred witnesses, that their laws will have all sorts of us burnt alive, without regard of age, sex, or quality. And if we will not be satisfied that they may lawfully burn us, man, woman and child, unless we have scripture for it, they have it ready, John xv. 6. "If any one abide not in me, men gather them, and cast them into the fire, and they are burned." Alledged by diverse of their prime[2] authors for this purpose; which proves as plainly and infallibly that protestants must be burned, as —— Feed my sheep proves that the pope hath power to kill both king and people. The process against hereticks in the inquisition is remarkably merciful, for there a protestant shall not have the favour to be burnt at first[3] and die once; but must suffer many deaths before, by enduring diverse tortures more grievous than death, before he be brought to the fire. One that hath the spirit of a Christian, and reads the account of the tortures there in use, would scarce think that any but the devils could be either the inventors or executioners of them. But Pope Paul IV. would better inform him, who ascribes the settling of the inquisition in Spain to the inspiration of the Holy Ghost; and there is no doubt but his successors would attribute it to the same inspiration, if they could get it settled in England. And they are highly concerned to endeavour it, if they believe the words of a dying pope. For[4] Paul IV. in a speech before his death (and so before his infallibility expired) declared to the cardinals, that the authority of the Roman church depends only upon the office of the inquisition. And indeed it is very fit that such an authority should have such a foundation. Nor can any question that it is necessary and pious to exercise all the cruelties of the inquisition upon us, without shaking the whole foundation of the Roman church, and all the authority of it.

Hereupon how are we concerned to look about us? We ought to remember (for they are not like to forget it) that as soon as ever the papal authority is admitted among us, all the protestants in these nations are dead men in law; being under a law that has sentenced us to be burnt alive, and under a power that hath declared it necessary that no one of us escape with life.

But they are not yet quite ready for burning us, though they are impatient till they be so; and shew what design they have upon our persons, by turning our houses and goods into flames. For this course they think not fit to take, how just and pious soever they esteem it, meerly because they cannot, or dare not, till they have the law in their hands, and power to murder us by a judicial process. Where protestants are numerous and potent, the way they then take for discharging the obligation that is upon them to destroy us, is by treacherous massacres, or open wars or assassinations. They hold it lawful to make war upon hereticks for their heresy. So[5] Bonacina, Diana, Cas-

[1] De Hæreticis. 7 Decretal. Sect.
[2] Jac. de Grass. decis. l. 2. c. 9. n. 2. Suarez ubi supra. n. 4.
[3] Zanardus, Director. 2dæ pars, p. 575.
[4] Onufrius, Vita Pauli IV.
[5] De Restitut. Disp. 2. q. ult. §. 2. n. 7. Sum. V. Bellum. n. 5. Theol. Pract. Tr. 2. c. 13. n. 3.

tro, Molanus, and others: but cardinal Allen[1] our countryman may suffice, who asserts it to be not ony lawful, but necessary to take arms against his prince and people, being hereticks. It is clear (saith he) that what people and persons soever be declared to be opposite to God's church, with what obligation soever either of kindred, friendship, loyalty, or subjection, I be bound unto them, I may, or rather must, take arms against them. And then must we take them for hereticks, when our lawful popes adjudge them so to be.

Not only sovereign princes and the pope, but a bishop, may raise war for the faith, against those that are excommunicate if they submit not: so Hostensis, and oth rs[2] after him. They count it a more necessary and holy war which is levied for the destroying of hereticks, than the war against the Turks. Hence cardinal[3] Pool, in his address to Charles V. importunes him to turn his arms against the protestants, being more concerned to ruin them than the Turks.

They think the destroying of protestants by massacres sometimes more advisable, for avoiding the hazards of a war; and these, how bloody and treacherous soever, will be both lawful and meritorious, being for the rooting out of a pestilent heresy, and the promoting of the Roman interest. The barbarous Irish never thought their hands and weapons better employed than in butchering the protestants: and this not more for the savageness of their nature, than from the laws and doctrines wherein they have so much encouragement for such bloodiness. The least they could expect for it, was full pardon of all sin, such as it promised to those who make war against the Turks, and for the recovery of the Holy Land. For several popes had thus rewarded the Irish, for far less bloody feats than these; and thereby testified how meritorious it is to shed the blood of English protestants.[4] Charles IX. with the French papists, never acted any thing with more satisfaction to his holiness, than that tragedy in Paris, and other cities, where so many thousand Hugonots were most treacherously and inhumanly slaughtered. The pope would not have so great delight as he took therein to be transient, but, that it might afford him a continued entertainment, would have it painted in his palace. And for this, triumphs were made by the papists almost every where, as a most glorious action. And that there might be a concurrence of the greatest impiety with the greatest inhumanity, publick thanks must be returned to God, in France and Italy, for the stabbing, drowning, pistolling, and cutting the throats of so many thousands; inticed thither by the solemnity of a marriage, with all the security that the promise and oath of a king could give them: but nothing is unlawful that will ruin the protestant religion.

Only in one thing these fell short; for though near three hundred thousand were thus murdered in both nations, yet they killed not all; whereas if they had not suffered one protestant in France or Ireland to escape with life, the catholick design had been there perfectly accomplished, and the bloody actors had more highly merited; for that merits most which most promotes the catholick interest, which is most promoted when heresy and hereticks are quite extirpated; and so to kill all hereticks is most meritorious.

This was it that our conspirators aimed at; they intended to leave no protestants alive; those that escaped the massacre, should have been cut off by their army.[5] And Coleman saith, their design prospered so well, that he doubted not but in a little time their business would be managed to the utter ruin of the protestant party, in his letter[6] to

[1] Admonition to Nobility and People, p. 41. [2] Vid. Silvest. V. Bellum.

[3] Lib. de unione Ecclesiastica ad finem. And this was he who made it his business in so many courts to form a league against England (having renounced the pope's supremacy;) persuading the popish princes, that it was more necessary and meritorious than a war against the Turks.

[4] See the Brieves of Gregory XIII. Anno 1580. and Clement VIII. 1660.

[5] Dugdale's deposition at the trial of the five Jesuits, p. 25. [6] In Coleman's Trial, p. 78.

the internuncio. The effecting of this, with the consequence of it, was a thing so desirable, so meritorious, that if he had a sea[1] of blood, and a hundred lives, he would lose them all to carry on the design; and if, to effect this, it were necessary to destroy an hundred heretical kings, he would do it. We must not imagine that it was a sin with this man to destroy an hundred kings, and an hundred kingdoms too, in such a cause; a cause, no doubt, most glorious, and of transcendent merit in their account; when one man might, without profuseness, be at the expence of an hundred lives, and a sea of blood, to promote it. It is true, by his expressions, he seems to be in some transport, and no wonder when he had so fair a prospect of the utter ruin of protestants by their present bloody design; and speaks of their ruin as a thing certain, and not to be doubted of. Sure this was a sight so fair, so transporting, as must needs ravish a good Roman catholick out of his senses. But then how senseless must they be, who will not believe our utter ruin was designed, when such as best knew it make no doubt but it would in a little time be certainly effected? However we cannot think that they who make so little of killing an hundred kings, when they stand in the way of their catholick design, will stick at assassinating any particular subjects.

When we hear papists say (as diverse such sayings have been of late observed) that they would make no more to kill a protestant man, or child, than to kill a dog,[2] we look upon them as wild expressions, which proceed rather from the wickedness of the persons than of their principles; whereas indeed they have ground enough from the writings of their chief authors. One of their greatest divines proving that they may justly kill us, being hereticks, makes use of this argument among others, Christ calls hereticks thieves and robbers; but sure thieves and robbers are worthy of death; also he calls them ravenous wolves, Matth. v. Luke xx. "But wolves are not only to be driven from the flock, but also to be killed, if it be possible." So Suarez[3] argues, and his argument seems less tolerable than the other villainous expression, for it seems more meritorious to kill a wolf than a dog. Cardinal[4] Baronius tells the pope (though his holiness might know so evident a truth before) that Peter had a double ministry, to feed, and to kill; according to that text, feed my sheep: and according to that too, kill and eat: for, saith he, when the pope hath to do with refractory opposers, then Peter is commanded to kill, and slay, and devour. Much according to this cardinal's doctrine is the saying of Singleton[5] the priest, that he would make no more to stab forty parliament men than to eat a dinner. And who can discern but the priest's expression is as agreeable to the cardinal's comment, as that is to his text? Girald and Kelly, the two priests that were chief in the murder of Sir Edmund-Bury Godfrey, that they might draw Mr Prance into that barbarous action, told him,[6] that it was no murder, no sin, (and Girald said, nothing was to be made of killing twenty hereticks in such a case) that it was an act of charity, and a meritorious work. We may easily conceive how they have it to be an act of justice; for they are taught, that the killing of hereticks *Justa est quia Vindicativa;* and so withal, how it may be meritorious; every act of virtue being so by their doctrine: but how it can be an act of charity is not so easy to discern. We shall hardly be persuaded, that to kill us is an act of charity; but if they will have it so, so it must be. And then who can deny but that papists are the most charitable persons under the cope of heaven, since they will not stick to murder millions of protestants (all in these nations) out of meer catholick charity? What need they more to stop the mouths of any, that will dare hereafter to accuse their church as uncharitable? They may have two hundred thousand arguments from one topick, the massacre in Ireland, to prove that none ever out of hell were more eminent for this virtue, no not the assassins themselves.

[1] Ibid. p. 43. 77. [2] Bradshaw in Prance's Narrative, p. 28. Giffard in Hist. Plot. p. 213.
[3] De Fide. Disp. 23. §. 1. n. 3. Zanard. ibid. c. 7. p. 119. [4] Epist. contra Venetos.
[5] Prance's Narrative, p. 4. [6] Ibid. p. 10.

The gunpowder-traitors were as much for the meritoriousness of murdering hereticks. John Grant, one of the principal conspirators, the day he was executed, being advised by a grave and learned person, to repent of that wicked enterprize, he answered, that he was so far from counting it a sin, that, on the contrary, he was confident, that noble design had so much of merit in it, as would be abundantly enough to make satisfaction for all the sins of his whole life, as[1] Casaubon assures from good evidence.

O the dreadful power of the spirit of delusion, which can persuade a man, even when he is dying, that the most horrid and barbarous design that ever the devils helped any of their instruments to contrive, is so transcendently both meritorious and satisfactory! yet this is not a private spirit, but that by which the Roman church seems generally inspired. This was but a more compendious way of executing the laws of their church against protestants. And Roman catholicks are left to devise what expedient they can for the execution of them, when they are not in a capacity of proceeding the ordinary way, by burning us. And that invention will have most of merit which is most quick and extensive, and makes an end of most at once. The society is particularly under the conduct of that spirit; for the provincial Garnet, Tesmond, Gerard, and other Jesuits did teach the conspirators this catholick doctrine[2] that the king, nobility, clergy and whole commonalty of the realm of England (papists excepted) were hereticks, were accursed and excommunicated, and that no heretick could be a king; but that it was lawful and meritorious to kill the king, and all other hereticks within this realm of England, for advancing and enlargement of the authority and jurisdiction of the bishop of Rome, and for the restoring of the Romish religion. What! is it meritorious to kill all in the realm? Yes, the more the better; the greater the sacrifice, the greater will the value and merit of it be: they will prove it unanswerably by an argument from the less to the greater. If it be meritorious to kill one heretick, it will be as much more meritorious to kill all in a kingdom, as all in a whole kingdom are more than one single person. Thus the greater wickedness is, the more powerful motive their church hath for its encouragement; the more prodigiously bloody and inhuman it is, the more will the catholick merit of it advance. And the ground of this is observable; they will have it meritorious to murder this whole nation, king and people, because they were hereticks, and all hereticks are accursed and excommunicated. Now King James and the people of these kingdoms were not at this time excommunicate expressly, nor so denounced, nor any such sentence against them published, as the jesuits acknowledged; only they were included in the general excommunication, which is denounced by the pope against all hereticks every year the week before Easter. So that all who are in their account hereticks but one year, or but one day, before Maunday Thursday, are sufficiently accursed and excommunicated, to make them liable to be justly killed, and to render any papist capable of meriting, by doing execution upon them. All the protestants in these nations may be meritoriously slaughtered, as soon as ever the papists have opportunity to do it, without expecting a warrant from any other sentence, or excommunication, than what we are continually under. This was the doctrine of our English jesuits, of Garnet their superior particularly, whom the papists here honoured as a pope, and paid him the veneration due to his holiness, by kissing his feet, and reverenced his judgment as an oracle; and since his death he hath the honours of a martyr. And if he and his associates be counted martyrs, for but designing to destroy the protestants of these realms, though they miscarried, what would their successors be thought worthy of, if they could attempt it successfully, and do effectual execution? Garnet further declared it to be his judgment, that it was so necessary to have protestants destroyed, that it would be meritorious to attempt it, even in such a way as would ruin many catholicks with them. Catesby (with respect to the powder-plot, whereby many Roman catholicks,

[1] Epist. Fron. duc. p. 189. [2] Gunpowder Treason, p. 74.

and some of considerable quality, were like to be blown up together with the protestants) enquires of their oracle,[1] Whether it was lawful to ruin the guilty and the innocent together? Garnet first answers in a private house, that it is lawful, if so much advantage can be gained by it as will countervail the destruction of the innocent. Afterwards he tells them in the fields, that they may lawfully extinguish the good and bad together, and that it would be an act of great merit, if it would much promote the catholick interest. Upon this account we see how it might be meritorious to burn London, though the houses and goods of many papists were consumed in the flames; yea, and how the most desperate villains amongst them might merit heaven, and expiate all the crimes of a most flagitious life, if he could but fire the whole kingdom; provided so many protestants were thereby ruined as would countervail the loss of such catholicks, who could not escape the common flames.

Whereby we see their principles and actings; both of them are grounded upon their church-laws, sentencing hereticks to death and ruin. The executing of these laws is the exercise of a principal virtue, an act of justice, and is upon this and other accounts esteemed meritorious. Execution must be done one way or other in order to it; they must and will do what our present circumstances leave feasible. They cannot now in a bishop's court try and condemn us, and then deliver us to the secular power to be burnt at a stake; but they can stab, or pistol, or poison us, or blow us up; and these are acts of justice upon malefactors, which their laws condemn to death, no less virtuous and meritorious than the other; perhaps heroical in their account, as being of more than an ordinary strain. It is true, they want some formalities of law, yet are never the worse for the want of that which they cannot possibly have. But when once they have secured the throne, we may expect they will proceed against us with more observance of a judicial process, and burn us and our children with all punctilios of law, as they did under the last popish successor.

But it is not probable that under such a successor these laws may not be executed.

If there were any probability, that for a while they might not be thoroughly executed, yet our condition in the interim would scarce be tolerable to an Englishman; to be divested of all security by law for liberty, estate, and life, and to hold these *without*, nay *against* law, only at the will and known mercy of papists; even when they must count a cruelty to themselves to spare us, seeing both their salvation and (which seems generally more minded) their interest is concerned in the execution of these laws. It seems highly probable to me that all endeavours will be used to have them fully executed; for the design of these laws is to destroy protestants. And those Romanists that understand their concerns do make account, that their main interest lies in this; for neither can they recover their former flourish and greatness, nor can they indeed think themselves safe, till this be done.

Accordingly, we may observe, that in all countries round about us, who have been under popish princes, all attempts have been made, and their utmost endeavours used, utterly to root out protestants; and it is meer folly to expect that we should fare better in like circumstances. Even in France the only instance alledged to give any hopes that protestants may subsist under such a power, the design of these laws was vigorously pursued in all methods of pretended justice and plain violence, in the reigns of five kings successively; by confiscations and plunderings, by fire and sword, by assassinations, treacherous massacres, and open war. So that some hundred thousands of them were destroyed, and in all reason none of them had escaped, nor any more Hugonots had been left in France than there are in Spain and Italy, if they had not stood upon their defence, which yet proved a lamentable expedient; for, if we will believe father Parsons,[2] two millions on both sides were slain within the compass of ten years in the reign of one of those five kings.

[1] Casaubon, p. 184. [2] Mitigation, p. 130.

Those who would have us reduced to such a condition, wherein we cannot otherwise be secured than the French protestants were, would either have us prostitute our religion and all that is dear to us to the will of the papists, or else expose the nation to desolation and ruin.

Our conspirators have declared that they had the very same design which those gracious laws engage them in; viz. the utter extirpation of protestants and their religion, and were resolved and prepared to pursue it with fire and sword. Of the former, they have given us a real demonstration by the flames we have already seen; and of he latter, by their army to be commanded by officers of the pope's appointment. They were to begin with assassinations, and our sovereign was to fall with the first. In this, all that have given any evidence, exactly agree, and all see but those that will be blind, and would have his majesty, for company, perish with his eyes shut. When they had dispatched the king a massacre was to follow, as is positively sworn, again and again, by unexceptionable[1] witness, and this signified to be the method advised by the conspirators both in France, Flanders, and England; then to make clear work, those protestants that escaped the massacre were to be destroyed by their army. Coleman, at his trial, would have us believe that nothing was intended but the advance of popery, by the innocent way of toleration; that is no wonder, for he was then concerned, if ever, to disguise their design. But when he hath to do with those who were conscious to the plot, and with pleasure could see the bottom of it, then the mask is off; then it is, in plain terms, "the subduing of a pestilent heresy (for so is the true Christian religion in the Roman stile now-a-days) and the utter ruin of the protestant party." To accomplish such a glorious design, there must be no sticking (as was observed before) to kill an hundred heretical kings, (alas! one single king was nothing to the dagger of such a hero) or to shed a sea of blood, (their own he means.) How many seas of protestant blood do we think might have satisfied such harmless catholicks? Not an hundred we may be sure, if all the protestants in the world could have bled more. But this they were bound in conscience to execute the pope's laws, they were at all points ready to do it, they wanted nothing but a catholick prince in the throne.

O, but the temper, or, at least, the interest of such a prince, would oblige him to forbid or restrain such violent executions in England.

I, but what if his temper be such as to comply with such violent proceedings; or his temper being better, what if it be overruled? What if he be persuaded, as other catholicks are, that he must in conscience proceed thus? What if he cannot do otherwise, without apparent hazard of his crown or life?

The contrivement is such, that execution shall be done before he hath got the reins of government into his hand; and when he hath them, he is not to hold them alone; he will not be allowed to be much more than the pope's postillion, and must look to be dismounted if he drive not according to order.

Let these things be weighed, that we may see, before it be too late, into what circumstances we are running. If the prince be zealous and resolute, a bigot in their way; if his heat in embracing religion at first, or promoting it afterward, transport him beyond the sense of his interest; if it make him contemn such reason, or decline that consideration that should have withheld him from it, or might moderate him in it; if he make it his design, and count it his glory, to subdue this religion as a pestilent heresy; if he give up himself to the counsels and conduct of such, whose words and practices make it evident that they intend extremities; then there is a violent presumption that he will not study any abatement of the rigour of these ruining laws, after once he thinks himself firmly settled.

[1] M. Dugdale, in Trial of the Five Jesuits, p. 25.

But if (as I had rather suppose) his inclination should lead him to some indulgence and forbearance, yet that must be controuled by conscience, and conscience mus dictate what they suggest, who have the conduct of it; and it will be readily suggested, " that it is a deadly crime to favour hereticks to the prejudice of the catholick interest," which can never be more effectually advanced than by their ruin. Besides, the law[1] itself assures us, " that it is not in the power of any civil magistrate to remit the penalty, or abate the rigour thereof;" and this also is declared by the bulls[2] of several popes. Nay, if the prince should solemnly engage his faith, and give as much security as papists can give by oath, that he would not suffer sanguinary laws to be executed upon his dissenting subjects, this would signify nothing: For they would soon let him understand, that " contracts made against the canon law are invalid, though confirmed by oath," as P. a St[3] Joseph. And " that he is not bound to stand to his promise, for the liberty of religion, though he hath sworn to it," as Bonacina;[4] and that faith is no more to be kept with hereticks, than the general council of Constance would have it. So that protestants are to be burnt, as John Hus and Jerome of Prague were by that council; though a prince hath given his faith and oath for their safety. The best that is pleaded in defence of that general council, so openly canonizing perfidiousness, leaves protestants as much exposed after all the security the prince can give, as if none at all were given them. The emperor's engagement, say they, secured them against secular process, but not against the process of the church. So that the church may burn us, when the prince hath engaged all his faith for our safety. And to this purpose it is observable what Becanus,[5] an eminent jesuit, delivers when he is endeavouring to vindicate their council. The council of Constance, saith he, decree these two things: First, " That the secular power can no way hinder the ecclesiastical power from its legal exercise, and therefore, if any secular prince do give safe conduct to any heretick, this ought not to hinder the ecclesiastical judge from exercising his office, that is, from trying an heretick, and proceeding against him according to evidence. The reason is, because when there are two princes, who have distinct judicatures and tribunals, one of which is greater and superior to the other, the inferior may not hinder the superior from executing his jurisdictions. And therefore the security which he promiseth to any extends not to the tribunal of the superior prince, because the superior is not bound by the laws and agreement of the inferior, *(caput, cum inferior extra.)* But now the secular and ecclesiastical prince have distinct tribunals (as is well known) and the ecclesiastical is superior, *(cap. solita:)* therefore the secular, when he gives safe conduct to any, he cannot extend it to the ecclesiastical tribunal; nor, by the security given, can hinder the jurisdiction of the ecclesiastical judge, &c." Molgnus[6] also, who undertakes to excuse this council, saith, it is a general rule with the Romanists, that " faith is either never to be given, or never to be kept, with hereticks for the exercise of their religion." Simanca,[7] by the authority of the council, maintains this worthy principle, " that faith engaged to hereticks, though confirmed by oath, is in no wise to be performed." He would prove it by reason: For, (saith he) if faith be not to be kept with tyrants, and pirates, and other robbers, who kill the body, much less is it to be kept with hereticks, who kill souls: He confirms it with the testimonies of Salomonius, and Menochius, Placa, &c. and of their[8] angelical doctor, the oracle of their schools, who saith, an unteachable heretick is to be betrayed to justice, notwithstanding faith and oath. Becanus,[9] to vindicate the doctrine of Simanca, tells us, that they all say as much as he hath said. Simanca teaches the same that we teach, viz. that faith is to be kept with hereticks in what is

[1] Cap. ut Officium. [2] Vid. supra. [3] De primo Præcepto, p. 94.
[4] De primo Præcepto. Disp. 3. q. 2. punct. 8. prop. 3. n. 159. [5] Manual. l. 5. cap. n. 15, 16.
[6] De Fide, l. 3. c. 27. [7] Cathol. Instit. Tit. 46. n. 52. [8] Sum. 2da 2dæ, Q. 70, Art. 1.
[9] Manuel. l. 5. c. 15. n. 25.

lawful and honest, but in no case otherwise; and so never in case of heresy. So that the faith of any prince, however engaged, is so far from giving an heretick any security, as heresy is far from being a thing lawful and honest. Upon these principles (by which it appears that Rome hath changed faith with Carthage, that being now worse than *fides punica*, and is, when she would be counted Christian, far more faithless than when Pagan,) their doctors, jesuits, and others, have instigated kings to endeavour seriously the rooting out of hereticks; asserting, that an oath in favour of hereticks is but *vinculum iniquitatis*. In fine, this is the sense of their best authors, and we must believe it to be so, unless we will be deluded. By their laws and principles they are always under an obligation utterly to exterminate protestants; yet sometimes they are concerned, in point of interest, to forbear and dissemble; pretending to engage their faith when they do it not in the sense of those who rely on it, as the council of Constance deluded Jerome of Prague, that they might (as they did) burn him: or engaging their faith when they intend not to keep it, as our Queen Mary, Charles IX. of France, and other popish princes, abused the protestants to make them secure, that they might have the better advantage to ruin them; and then, that they may seem real, they may promise or swear that they will not proceed against us; yet, notwithstanding, when they have an opportunity to destroy us, though they were by ten thousand oaths not to attempt it, yet they sin damnably if they endeavour it not to the utmost.

But if there were neither law nor conscience to hinder, yet in point of interest, he must not shew favour to hereticks, nor grant any indulgence for their religion; he cannot do it without apparent hazard both of crown and life. For, by shewing such favour, he in their account deposeth himself, and immediately loseth title to his kingdoms.

An emperor or a king, saith Parsons,[1] if he shew favour to an heretick, for that he loseth his kingdom. The jesuits have sufficient grounds for this doctrine, how extravagant soever it seems. For the council of Lateran, which Bellarmine calls their greatest and most famous council, decreeth,[2] that if a prince, upon a year's warning, doth not exterminate hereticks, his subjects are discharged from allegiance, and his dominions are to be seized on by other catholicks: He thereby draws upon himself the curse and excommunication of the church, he is excommunicate by law, that council hath passed sentence already, and he is *de facto* anathematized yearly by the bull of the supper; the former is *excommunicatio juris* by the law, and this is *excommunicatio hominis* by the judge, as several of their [3]doctors will have it. So that it takes effect presently, *ipso facto*, and is of no less force than if the person concerned were excommunicated particularly, and by name, though the terms be general.

The pope, every year, doth solemnly excommunicate and curse, not only all hereticks, but every favourer and defender of them; and from this sentence none can absolve any but the pope himself, for it is a reserved case; and they generally declare him to be a favourer of hereticks who hinders the execution of the laws made against them. Conformably hereto, their doctors teach, that kings and princes, when they are negligent in rooting out hereticks, they are to be excommunicated and deposed by the pope. So Becanus.[4] Another, as I find him [5]cited, sets it out more elegantly in a metaphor, making princes to be the popes, their shepherds dogs, (as they are wont to do out of great reverence,) and expressed himself significantly to this purpose. If a prince be a dull cur, and fly not upon hereticks, he is to be beaten out, and a keener dog must be got in his stead. Others[6] tell us, he incurs more grievous penalties than excommunication, as appears by the breves of several popes; though to be

[1] Philopat. p. 109. [2] Cap. Excommunicamus, de Hæreticis Sect. moneantur.
[3] Graff. decis. l. 4. c. 11. n. 6. Bacanus de Fide. c. 15. q. 8. n. 6. Soto 4. Distinct. 25. Q. 1. Art. 1. Citing two texts of their law for it. cap. sicut de Hæreticis, et cap. siquis forte. 24. Q. 1.
[4] Controvers. Anglican. p. 131, 132. [5] In Foulis. pag. 60. [6] Zanard. Direct. Pars. 2 pag. 61.

deprived of kingdom and life, to which this sentence makes a prince liable, one would think sufficiently grievous. But there is no need to cite particular doctors, seeing, by the decrees[1] of that church, the fautors of hereticks are liable to the penalties which are to be inflicted on hereticks themselves: and their church-law[2] determines again and again, that they are to be taken for fautors of hereticks, who omit what they ought to do, for the punishing of hereticks, that they may cease from their error: And in this they all agree, *ita docent omnes*, saith Suarez.[3] Sure he must have more love for protestants than any true papist can have, who will run such hazards, to shew them favour.

He must expect also to be burdened with the hatred of zealous catholicks, and the effects thereof. They detest such a prince, and damn that political prudence, which forbears the severe execution of the laws against hereticks; as being the way not only to ruin the church, but subvert a kingdom.[4] They count none worthy the crown, who will not go through stitch with their design for extirpating hereticks, and promoting the Roman interest with fire and sword. Nay they count such, though they be papists, as bad as hereticks, worse than Turks, and unworthy to live; they will have a price set on their heads, and assassinates hired to rid the world of them. So Dr Stapleton,[5] counted one of their greatest and most sober divines. And these are not only points for speculation, they have been reduced to practice among those who have the repute of the most moderate papists in Europe. Henry III. and IV. two Kings of France, were assassinated on this account. A suspicion that they favoured protestants was the great inducement to zealous catholicks to get them stabbed. The two kings since indeed have escaped better; no wonder, for they never provoked the catholic assassinating spirit: they have given sufficient demonstration that they hate the protestants; for though they kill them not out-right, yet have they reduced them to such circumstances, that their mortal enemies may, to their satisfaction, see them die a lingering death.

And which more concerns us, the conspirators in all places having declared expressly, that if RO. H. do not answer their expectation, for rooting out of the protestant religion, and extirpating those that profess it, their design[6] is to destroy him after they have killed his brother. So that whatsoever respect they have for him on the account of his religion, yet, after they have served their turn on him awhile, he must expect nothing but death, unless he will give assurance that he will ruin the protestants of these nations.

Hereby we may judge what favour we may in reason promise ourselves from the temper or interest of a popish successor.

But may not parliaments secure us by laws and provisions restraining the powers which endanger us?

There is nothing of this tendency can in reason be expected from parliaments, without securing the throne. For if the conspirators once gain that, it may be they will have no parliaments; a government more arbitrary and violent is more agreeable to their principles and designs. It is apparent, that popery, as it hath been by many occasions sublimated since the Reformation, hath in a manner quite stifled the English spirit in English papists. They are for another government, in which the pope must be supreme, and to which our kings must be subjected or killed. And in civils, they are for an universal monarchy, by which this and others must be swallowed up; and so they are still ready to devote themselves to that prince who bids fairest for it. So they did to the Spaniard in Queen Elizabeth's time, and now, upon that account, are

[1] Cap. Excommunicamus, de Hæreticis. [2] Cap. Error 83. Distinct. et cap. Qui alius, de Hæreticis.
[3] De Fide Disp. 24. Sect. 1. N 6. [4] Ribadeneira de Principe, l. 1. cap. 15.
[5] Orat. contra Politicos, p. 15. et 24. in Hospin. Histor. Jesuit. l. 4. c. 1. Sect. 2.
[6] Dr Oates's Narrative, pag. 4. n. 5. p. 3. n. 4. p. 8. n. 13. p. 10. n. 16. p. 15. n. 13. p. 19. n. 29. p. 39. p. 64. n. 6.

wheeled off to the French: they have been forward upon all occasions to sacrifice the honour of the king and the liberty of the subject to the Roman Moloch; they are much more his subjects than the king's; and they are no more to be trusted as to the true English interest, than the Italians or Spaniards. They pass for natives indeed, being born among us; but are plainly foreigners as to government, principle, interest, affection, and design. We may well believe on these accounts they are no friends to parliaments, if they did not otherwise openly declare it.

But if the necessity of their affairs should require a parliament, there is no great question but they may get such a one as will serve their turn: for so hath every of our former princes in all the changes of religion that have been amongst us. So did Henry VIII. both when he was for popery, and when he was against it, and when he was partly both for it and against it. So did Edward VI, when he was wholly protestant. So did Queen Mary, when she was for burning them alive. So did Queen Elizabeth, when she run counter to her sister. There are English papists enough already to furnish both houses; and there will be more, if popery were once enthroned. The strongest arguments, which diverse have for their religion, are drawn from the throne. The indifferency, which is visible in too many, signifies that they will be determined by their interest, and their estates are like to outweigh their religion.

The warping of diverse upon advancement, and acting counter to themselves when lower, shews there is something higher in their hearts, than that which should be supreme. The little concern they shew for religion, who, in regard of their station in the church, should have the greatest zeal for it, disappointing and astonishing those who esteemed them protestants, and great supports of that profession.

The little sense of any danger, (when our religion was never in such extreme hazard, since we and our fathers were born) the obstructing in one or both houses, of all that is offered to secure us, or hath the most probable tendency to it, by those from whom it was least expected. Those greater heats against true protestants (differing from us in some small things) than against papists, when represented by this horrid plot in their own colours, shews, that popery is no such formidable thing to many, now under another profession, as it is and will be to hearty protestants, and such as have effectually received the love of the truth. However, by the laws which will be in force, when the throne is papal, all protestants must be excluded from both houses. For all these must then pass under the notion of hereticks, and as such, not only by the constitutions of several popes, but by the decree[1] of a general council, received as obliging in popish countries; they are made uncapable of being admitted to any publick councils, or of chusing any to sit there. This is but a branch of one of the least penalties we must then lie under; and thus all hopes of any relief by parliaments, under such a successor, are quite blasted.

As for laws, such as are, or may be made before-hand for restraining popery, and securing our religion under a popish sovereignty, they will then be judged nullities, for they are no laws which are against the common good; but these will be counted mischievous acts, of a pernicious nature and tendency, being for the support of heresy, against their catholic interest. They will be null and void also, without any formal repeal, upon another account, viz. because enacted by an incompetent authority: for our parliaments are now, and have been long, constituted of such as they count hereticks; and these, by the decrees and principles of their church, have no[2] jurisdiction at all, much less that which is sovereign and legislative. They have no right to proceed in judgment upon laws duly made, so far are they from all just power to make any. And

[1] Cap. Excommunicamus Sect. credentes. Tit de Hæreticis.

[2] Juxta Constitutiones Greg. 9. Hæreticus privatur omni Dominio naturali, civili, politico. Simanca Instit. Cathol. Tit. 46. N. 74.

whereas no laws can be made in these realms without the concurrence of every of the three states in parliaments, they will not own any of them to be in a capacity to concur therein.

The king being an heretick, is with them no king; he is divested of all prerogatives and royalties; hath no power to call parliaments, or pass any bills there rendered: He is no better with them than a private person, nay in a worse capacity than a good subject; for by their principles he may lawfully be killed by a private hand.

The nobles being hereticks, their blood is tainted by the highest treason, the attainder good in law, (that law which will then be of most sovereign obligation;) they have lost all privilege of peers, they have no titles to baronies, no rights to be summoned by writ, if there were any that had right to summon them. They have forfeited what they had by descent, though from popish ancestors; and what they had by patent is null and void. Since our princes were protestants, they are no more lords, in the sense of the Romish laws, nor have more right to sit as peers in making laws than laws of Jack Straw's creating.

This is manifest by the first penalty forementioned, and awarded against hereticks by the laws of the Roman church; which takes effect from the first day of their supposed heresy, before sentence of any judge.

The commons being hereticks are no proprietors, and so have no power, no privilege due to the commons of England; they are born to no estates, if they be the issue of protestants, the estates of their fathers being confiscated before they were born, and so is all they have acquired since by purchase, or otherwise. So that they have no right to be chosen, nor have protestants any right to chuse them, being no freeholders, nor having title to any goods or lands by any tenure whatsoever. In short, by the judgment and sentence of their church, all ranks among us are in a state of usurpation, we have no right to estate or life (as we are like to find when they have power,) much less any authority to make laws What our parliaments have enacted, or may do, for the securing of our religion, or restraint of catholicks, is no more valid, no more obliging with them, than the acts or ordinances of meer usurpers, nor do they owe, nor will they pay them more observance (when time serves) than to the constitutions of so many thieves and robbers.

But suppose our laws were valid, and enacted by a competent authority, yet, being against the laws of the church, the sovereign authority of these will supersede the other: for so they determine, that when the canon and the civil laws clash, one requiring what the other allows not, the church-law must have observance, and that of the state be neglected. The law[1] provides for its pre-eminence in these words, Constitutions against the canons and decrees of the Roman bishops are of no moments. Their best authors[2] are positive in it, and our own country affords us instances of it. The statutes of provisoes, and others of like nature, made in the reigns of Edward I. Edward III. Richard II. and Henry IV. for the relief of the nation against papal incroachments: they were defeated by the pope's authority, and in effect repealed, there being no effectual execution of them till Henry the Eight's time. And if the pope (the throne being once at his devotion) should appear against any statutes or provisions made for our security, as Pope Martin V.[3] did against the statutes of Edward II. and Edward III. that would be enough to null them as to the consciences of Roman catholicks; or to lay them asleep, and render them ineffectual to the purposes they are designed for.

We may see hereby what laws made now for our security will signify, when such a successor is in possession.

[1] Constitutiones contra canones et decreta præsulum Romanorum vel bonos mores, nullius sunt momenti. Distinct. 10. c. 4.

[2] Victoria relect. p. Navar. c. 7. n. 1. Fumus. v lex. n. 7. Bonocina. Tom. 2. Disp. 1. q. 1. punct. 4. n. 17. Diana. Sum. v. inquisitor. n. 10. after Barbosa and others.

[3] Burnet's Hist. Reformation, p. 110.

Upon the whole, our danger as to all our concerns, civil and religious, is very apparent, and looks upon us with such a terrible aspect, as scarce any true protestant can fully view it without horror and trembling. Our estates, lives, and souls are in extreme hazard, and what have we more? That which will not secure us is discernable by the premises; what expedient may be effectual to rescue us and our posterity, who with us and all that is dear to both, are now in the very jaws of destruction, is humbly left to the wisdom of the nation in parliament.

Pereat Papa: or Reasons why a Presumptive Heir, or Popish Successor, should not inherit the Crown.

It is conceived, and that very candidly, without prejudice to other judgments, or troubling ourselves by reflecting on that so often baffled a cause called popery, that a papist, or one popishly affected, ought not to inherit or succeed in the management of the crown.

Reason I.—In strictness of law, because one so qualified hath wilfully disabled or rendered himself uncapable of that benefit, which the common law (after the usual course of descent) doth positively require; for it is presumable, that he that succeeds in the office of the crown should be legally adopted to execute so great a trust; and therefore if *Minus, Idoneus*, be not sufficiently ballasted with the notion and intrigues of state, others are to govern in aid of him, as in case of idiocy, lunacy, or the like, and the parliament is bound (as intrusted to redress grievances and secure the nation) to place it where religion and property shall be adjudged most safe.

There are several precedents of this nature.

1. Edgar Atheling (as stories agree) was the undoubted heir, yet William the Norman, commonly called the Conqueror, was called in to oppose Harold, and invested with the crown; and Atheling for ever an exile, and disinherited.

2. After him succeeded his second son William Rufus, and not Robert the eldest.

3. King John not only laid aside, after Plantagenet his eldest brother's son, but likewise put him to death.

4. In Sicily there was lately a great contest between the two sons of Charles II. Mortelu and Robert, and I find the crown awarded to Robert the younger, as *Magis dignis ad Regnandum.*

5. Alexander was demanded to whom he should bequeath his scepter; he said, the worthiest, and to him whose sword had the sharpest point; meaning, whose virtues were most luculent, and of the brightest integrity: after the disposition of Jacob, passing by Manasses, and conferring the blessing upon Ephraim the younger, as more deserving, and acceptable to God.

6. The state of France rejected the King of Navarre, and appointed another to reign over them, because of his religion. And when afterwards the said King of Navarre came to be Henry IV. of France, it was by his forsaking God, and complying with the church of Rome, by means of which he thought to settle the crown upon his head, but was so much mistaken therein, that he thereby lost both crown and life together.

Reason II.—Can it be thought but that he that succeeds in the crown should not succeed *Concurrentibus his qui in jure requirunt*, as the civil law expresses it, that is, in all the concerns thereof, which are the laws, principally those that relate to religion, and not for one man led away with a blind perverseness, renouncing the religion he knows not why (and so wilfully attainting himself) to inthral the nation in superstition and tyranny; for regularly, in all parts where popish lords are in the church, there tyranny (on course) rages in the state.

Reason III.—It is a maxim amongst lawyers, that *Lex facit Regem*, and maxims must not be denied; if so, then, to speak out after the true intendment of law, he that comes not to the crown *satiatim*, as the law notifies and prescribes, it is no lawful succession, but downright usurpation. And without scruple, it is the endeavour of every good Christian to withstand an usurper, it being undoubtedly more pleasing to God to put one man by, who thus wilfully disables himself, and withal most shamefully usurps, than expose millions of souls to damnation, and the streets to flow with blood by suffering that religion to creep in, whose reformation (at the mildest rate) will certainly prove fire and faggot.

For this very cause Maacha was removed (from being queen) by her son King Asa, for making an idol in a grove, incited thereunto by the prophet Azariab.

Reason IV.—The succession of the crown, and a common descent much differ; for if an heir that is a subject prove loose and debauched, it little damnifies the publick; more deserving persons may happily perchance step into his possessions, and be more serviceable to the publick; the damage is still but private to his own family; but in case of the crown, there is none so senseless but must needs conceive the damage most fatal because universal.

The whole nation must inevitably suffer; religion subverted and property destroyed, and the whole people in danger of their lives. It is well known in a private case, the heir is usually thrown off and disinherited: if an entail, it may be destroyed: and if law justifies it, the like in the publick. And therefore the grand inquisitors of state, and conservators of the liberties of England, the parliament, may for weighty causes refuse the heir presumptive, and for the safety of the nation settle it where they in honour and prudence shall conceive most proper.

Reason V.—We read in scripture (which is the golden rule we must walk by) that Libnah revolted from Jehoram, because he had forsaken the God of his fathers; so we had better forsake man, adhere to God in keeping our religion, than trust to man, and lose God, to be unavoidably destroyed here, and hereafter irrecoverably damned in serving Baal, and parting with the divinity now established.

Reason VI.—When Rehoboam had prepared a great army to reduce the Israelites, he was forbidden by the prophet. "Thus said the Lord, ye shall not go up, nor fight against your brethren, for they are from me;" mark, he calls them brethren, not rebels.

Passive obedience therefore is simple, and fit for such that knows no better; now God has discovered the snare and the pit of ruin that the pope and the devil has prepared for us, if we do not timely countermine it by cautionary laws, to suppress those that digged it, we may in a short space be thrown into it headlong, and none pity us.

But the right line with some shallow-pated talkers, is a *Noli me tangere*, so sacred (forsooth) that we must rather venture body and soul in subjecting ourselves to all the curses imaginable that hell itself can inflict on us, than in the least alter or controul it; a very frivolous caveat, and not to be heeded by us; for human examples (as I shewed before) have been noted against it, and the scripture warrants it. Samuel foretold, in the case of Saul, that he would be rejected for his disobedience, though not his person degraded or deposed, yet that the kingdom should be removed, both from his line and tribe, which was done accordingly, and transferred on David: This proves very fully, that the heirs, or the next in succession, are not so immovably placed, but that they may lawfully (on just cause) be displaced, if not legally qualified, and other put up for God's glory in their rooms God raised Jehu to purge idolatry against the house of Ahab; all the sons of Ahab were beheaded, and in a manner his whole line cut off. For his good service, he had a promise of a special blessing for his issue to continue the throne to the fourth generation. Several other instances I could give, but this may suffice.

In brief, there is no reformed church, from the first Waldenses of Lyons and Languedoc, to this very day, but have held it lawful.

Reason VII.—It is conceived by half-witted statesmen, that restrictive laws may prevent all mischiefs, and secure the protestants; a very vain opinion, and most fallacious; for laws will never bind, but more enrage; shackle him as ye will, and load him with never so many laws when king, he and his party will be restless, till they have set themselves at liberty, to have the protestants under; for when king, he is not impeachable, and the *Post Regni* will be at his disposal.

When the wolf is shepherd, the flock is very safe indeed, and like to be well looked after, all may devour that will; for if his party commit such outrages, that no age can parallel, what will they do then? Now, no man is safe in his bed, then none safe at all; they will adventure to murder people in their very houses; for they hold it no more sin than to kill a dog.

Reason VIII.—In fine, be sure he and his party (which will increase daily, and the protestants decline) will soon get an opportunity by either stratagem, or open force, to avoid all laws, though they are never so strong and wary, and therefore it will be impossible to be safe without a protestant successor.

England's Concern in the Case of his Royal Highness James Duke of York and Albany: An Extraordinary Pamphlet, and worthy to be read by all Subjects, whether of Royal or Republican Opinions.

Printed 1680.

HAVING seen and read all the pamphlets for and against the power of parliaments in the right of succession, I cannot but conclude both sides mistaken in the main, and to have, wilfully or ignorantly, past over, or wrong stated, the chief part of the question; which was, not what the parliament, meaning king, lords, and commons, could do, by virtue of their might or power, but what in justice, or prudence, they ought to do in the case of his royal highness?

In the first notion, no man in his wits can dispute, that the stronger joining against the weaker, have not power to do what they please: but this being a right of nature, to which both parties are equally entituled, and both, upon entering into society, have renounced or changed for an artificial right or power, that of the magistrate, or community, cannot fall within the limits of the question; because it can never be made use of, without running into a state of war, putting an end to all society, and, with Ishmael, having one hand against every man, and every man's hand against him And therefore in the second notion this controversy is to be taken, viz. What in justice, by the laws in being, or, since the instance is extraordinary, what in prudence, in reason, the parliament may do? for this, being the supreme judicature, must not want a sufficient authority in any case that can possibly happen.

We must then enquire, whether some actions of the duke have been obnoxious and censurable? and if found so, what is their proper or condign punishment? in order to which, it is to be premised, that nothing in its own nature is or can be penal, or censurable *in foro humano*, but a transgression of some positive institution of the common-

wealth, or a deviation from the dictates of right reason. Now the crime objected, but never yet proved, nor confessed, is the duke's going over from the protestant to the Romish church. This is the Trojan horse that ruins our city; for in its belly is hid a mysterious consequence, viz. That his doing so gave encouragement, and was the occasion of the late discovered popish plot. The first part of this accusation is a breach of the laws of England; the latter, of those of reason and all nations; and therefore punishable after the most severe manner. But before sentence, or execution, it is to be observed, that not only our own, but the laws of all countries, require not only the criminal's conviction, but that his sufferings be commensurate to his offence. This last must be known by the stated measures, the rules of the society and country; the former is built upon the same foundation, and necessarily supposes a legal process, and sufficient evidence. Both are wanting in this of the duke, he having never been summoned to appear, nor witness produced to prove him guilty: for who can say he has changed his religion, or that, if he be now a papist, he has not been so ever since he came to the use of reason, since he was forced to fly, to avoid the effects of the late rebellion? If that be so, who are most in fault, those who occasioned this evil, or he that suffered himself, before his years enabled him to understand better, and to chuse, to be persuaded that was not the truest religion that authorized such impieties as Christianity forbids? If this be his case, he is not liable to the pains of treason, pronounced against the perverters and perverted to the Romish communion. But, to wave disputes, allowing it were otherwise, yet the statute of general pardon, enacted in the year 1673, has so acquitted him from all guilt, that on this foot he now stands *rectus in curia,* innocent before any earthly tribunal.

But as to the consequence, that his being reconciled to Rome has given occasion and encouragement to the plot, I can only say, that he cannot in reason be blamed on that account, if it be not proved he intended and designed that horrid contrivance. It is the end and intention that justifies or condemns any action; and neither father nor mother are to be censured, that a monster happens to be the issue of a marriage-bed. This being accidental (for so it must be granted, till the contrary be made out) can no more be imputed to his royal highness, without madness or folly, than it can to God, without blasphemy or irreligion, that by his making man he is the author and cause of sin, and all the evils under heaven.

I am unwilling to mention what I have seen in print, to wit, That the Duke of York's being a papist has given birth and life to the plot; because this is so inartificial and illogical an inference or conclusion, that I am persuaded the authors will be ashamed of the ignorance or malice it betrays: an assertion that has neither sense, nor wit, nor more force than the old wives story, The cat washed her face a Sunday, therefore it rained on Monday; or any other such impertinent or senseless saying. Indeed, if this could be made appear, I think it is a crime of so foul a nature, that nothing less than death, not disinherison, could satisfy the justice of the nation. But from this the duke is acquitted by Mr Oates; and Mr Bedloe,[1] even in his last words, clears him from having any knowledge of the design against the king's life; in which, and in the bringing in religion by the sword, (of which his royal highness is not accused) the treason or conspiracy doth consist. And being freed by these two, by whom else has he been accused? by Mr Dangerfield.[2] As to this, tell me what you think, when you reflect,

[1] Bedloe, celebrated as a plot-witness, fell sick at Bristol, where he sent for Lord Chief Justice North, to whom he communicated a string of bold, disjointed, improbable, and inconsistent stuff, from which it appears to have been his design to involve the Queen and Duke of York in the pretended popish plot. But he acquitted the duke of being acquainted with that part of it which affected the king's life. To the queen he was not so courteous, and having made this legacy of falsehood and calumny, he gave up the ghost in his vocation.

[2] This wretched man, who was infamous for a thousand crimes, contrived to obtain credence as a witness in what was called the *Sham* or Meal-tub Plot, and afterwards became a supplementary witness to the main con-

that he gave in his depositions to the late lord mayor, and to the king in council, the first and seventh of November, 1679, and upon oath declared so often, he had nothing of further discovery or additions. What credit will you then give his late new accusation before the house of commons, of the duke, lord privy seal, Earl of Peterborough, and Lady Powis? Whatever the infamy of his person, and the former actions of his life, would signify, this alone, in my opinion, would invalidate his testimony in all matters with men of honour or of conscience. So that, upon the whole matter, from what does hitherto appear, the printed narratives and letters to and from popes and cardinals, I am not afraid to avow, that excluding the duke his right of succession is contrary to the laws of God, and of this kingdom (expressed in Magna Charta, and agreeable to those that gave every man his due, liberty of person, and descent of inheritance, and all the advantages of birthright; blessings every freeman has in common with the prince: and if the greater be thus outed, how shall the less be secured?) and to the rules of reason, which forbid the doing any action that in its consequence will be a greater evil, than that from which we intended to be freed. The two first parts of this assertion are very plain, because religion or Christianity alters not the political constitutions of any society, and because popery in England hinders no man from being heir to real or personal estates; the third therefore is to be made evident, to wit, that prudence and reason tells us, the duke ought not to be barred of succession. I say then, this act is not only unjustifiable at present, but in future and consequence, as what will bring upon the whole nation irreparable mischiefs. Where there are more hazards of an ill than a good event, the action is in prudence to be avoided. In great and momentous instances new experiments are not to be tried; nor indeed in any case, or distemper, where the remedy is like to prove more fatal than the disease. Now, to give or allow so boundless, arbitrary, and despotick a power, as that of putting by the next heir, or punishing *ex post facto*, either in the king alone, (who is obliged, under the obligation of oaths and interest, to govern by the stated measures of law) or in him when advising with both houses, (whose power is so far from being co-ordinate or independent, that it is only communicated, or derivative from the prince, as streams from the fountain, and therefore can add or give nothing new) is to subject and enslave ourselves and our posterities. For, if every one be a papist, whom faction or malice, presumption or slight circumstances, and no positive proofs, have made so; and if the right heir on this account, or for being really a papist, may be despoiled of his right by parliament, since there can be greater crimes or evils than popery, which we all acknowledge consistent with salvation, what can secure all future princes, even the king at any time in being, from being laid aside and dethroned? To endeavour so absolute a subversion of our government, if it be not treason, is to design, if it be pursued, that which cannot but happen, anarchy and confusion, and all the calamities of an unnatural civil war.

Against this there is but one objection, that in the notion of a parliament a king is implied, and nothing can be supposed to consent to his own ruin. This, I confess, is true in nature, in *thesi*, but not in the fact, *in hypothesi:* For what has been once done may be again: Tumults and factions, cunning and address, may make a prince quit his crown to save his life; and yet none ever lost the first, but soon after did the second: nay, every flower or jewel he parts with is a step or advance to his grave; and the considerer of the weighty considerations leaves in this objection no force, by mentioning the Seconds of the Edward's and Richard's deposed by parliamentary authority; he might have added to his catalogue the late royal martyred Charles. While this book, in many passages treasonable, is publickly sold before the doors of parlia-

spiracy, in the guilt of which he endeavoured to involve the Duke of York. These witnesses understood the temper of the times and the nature of their own infamous profession so well, that they never minded how little the evidence of any individual corresponded with that which preceded it, studying rather to excel others, and distinguish themselves by some bolder accusation, or accumulated circumstances of horror.

ment;[1] who can lay aside fatal apprehensions, especially when two houses of commons have successively prepared a bill disposing of the crown contrary to the king's express commands, and former precedents? And because I will not run too far back, and that Queen Elizabeth is renowned for one of the best of our princes, I will instance what in some great points happened in her reign, concerning the commons intermeddling in the ecclesiastical and the crown affairs, their right and her prerogative.

In the twenty-third year of her reign, when the House of Commons first ordered to have a time of prayer and humiliation appointed in the Temple, on Sunday fortnight after, the queen hindered it, and sent a message to the house by Mr Vice-Chamberlain, declaring, That her highness had great admiration of the rashness of this house, in committing such an apparent contempt of her express command, as to put in execution such an innovation, without her privity and pleasure first known. And thereupon Mr Vice-Chamberlain moved the house to make humble submission to her majesty, acknowledging the said offence and contempt, craving a remission of the same, with a full purpose to forbear the committing of the like hereafter. And by the consent of the whole house, Mr Vice-Chamberlain carried their submission to her majesty.

Likewise, in the twenty-eighth year of her reign, the queen said, She was sorry the commons meddled with chusing and returning knights of the shire for Norfolk, a thing impertinent for the house to deal withal, and only belonging to the office and charge of the lord chancellor, from whom the writs issue and are returned.

In the thirty-ninth year of her reign, the commons, by their speaker, complaining of monopolies, the queen made answer, by the lord-keeper, That she hoped her dutiful and loving subjects would not take away her prerogative, which is the chiefest flower in her garland, and the principal and head pearl in her crown and diadem, but that they will rather leave that to her disposition.

In the thirty-fifth year of her reign, Mr Peter Wentworth and Sir Henry Bromley delivered a petition to the lord-keeper, desiring the lords of the upper house to be suppliants with them of the lower house unto her majesty, for entailing the succession of the crown, whereof they had a bill ready drawn. Her majesty was highly displeased herewith, as contrary to her former strait command, and charged the council to draw the parties before them. Sir Thomas Henage sent for them, and commanded them to forbear the parliament, and not to go out of their several lodgings: after they were called before the lord treasurer, the Lord Buckhurst, and Sir Thomas Henage, Mr Wentworth was committed by them to the Tower; Sir Henry Bromley, and other members of the House of Commons, to whom he imparted the matter, were sent to the Fleet.

And in the same parliament, when Mr Morrice, attorney of the Court of Wards, moved against the hard courses of the bishops, ordinaries, and other ecclesiastical judges in their courts, and spake against subscriptions and oaths, offering a bill to be read against imprisonment for refusal of oaths, the same afternoon Sir Edward Coke, then speaker, was sent for to court, where the queen herself gave him a message to the house, declaring, It being wholly in her power to call, to determine, to assent or dissent to any thing done in parliament; that the calling of this was only that the Majesty of God might be more religiously observed, by compelling, by some sharp laws, such as neglect that service; and that the safety of her majesty's person and the realm might be provided for: it was not meant they should meddle with matters of state, or causes ecclesiastical and she wondered that any could be of so high commandment, to attempt a thing so expressly contrary to that which she had command-

[1] In Westminster-hall there were formerly little stalls, or benches, on which stationers and other small dealers sold their wares. There is a scene in the Plain-Dealer of Wycherly, which turns on this circumstance. The same sort of petty shops was, till within these ten years, maintained in the outer hall of the courts of justice in Edinburgh.

ed; wherefore with this she was highly offended: and because the words spoken by my lord-keeper are not now perhaps well remembered, or some be now here that were not then present, her majesty's present charge and express command is, that no bill touching the said matter of state, or reformation in causes ecclesiastical, be exhibited: and upon my allegiance (saith the speaker) I am charged, if any such bill be exhibited, not to read it. I have been credibly informed, that the queen sent a messenger, or serjeant at arms, into the House of Commons, and took out Mr Morrice, and committed him to prison. Within few days after, I find Mr Worth moved in the house, that they might be humble suitors to her majesty, that she would be pleased to set at liberty those members of the house that were restrained; which was accordingly done: and answer was sent them by her privy-council, That her majesty had committed them for causes best known to herself; and to press her highness with this suit would but hinder them whose good they sought: that the house must not call the queen to an account for what she doth of her royal authority: that the causes for which they are restrained may be high and dangerous: that her majesty liketh no such questions, neither doth it become the house to search into matters of that nature.

In 39 Eliz. the commons were told, That their privilege was *yea* and *no*: And that her majesty's pleasure was, that if the speaker perceived any idle heads, which would not stick to hazard their own estates, but meddle with reforming the church, and transforming the commonweal, by exhibiting bills to that purpose, the speaker should not receive them, till they were viewed and considered by those who are fitter to consider of such things, and can better judge of them. And at the end of this parliament, the queen rejected forty-eight bills, which had passed both houses. All these passages are expressly to be found in the records and registries of the council-table, and are quoted by Sir Robert Filmer, in his Free-holder's Grand Inquest, p. 77, &c. and by Mr Howel, sometimes clerk of the council, in his Philangus, p. 57, &c. and several others.

By which it appears, that this grand privilege of parliament, *Liberty of speech*, which at present makes so great a noise in the world, was not in this good queen's reign half so considerable as people now would fain persuade us. It was of no great antiquity in her days, but a favour first begged in King Henry the Eighth's reign, by Sir Thomas Moore, then speaker of the House of Commons, who prayed the king, in behalf of the house, That if, in communication and reasoning, any man should speak more largely than of duty he ought to do, that all such offences should be pardoned, and this to be entered upon record: which was accordingly granted by the king. And the same favour was allowed by Queen Elizabeth, in the beginning of her reign, to Thomas Gargrave, then speaker: since whose time this privilege was always humbly desired by the speakers, for themselves, and the whole House of Commons, and favourably granted by their sovereign. Yet this privilege extended only to rash, unadvised, ignorant, or negligent escapes and slips in speech, which people are subject to let fall in the heat of their debates; not to wilful reflections, much less to treasonable speeches against the king and government; as sufficiently appears, not only by the aforesaid proceedings in Queen Elizabeth's time, but also by the transactions of her father's reign, where we find that Richard Strood and his complices were not thought sufficiently protected by this privilege for their free speech in the house, unless their pardons were expressly confirmed by the king in parliament; to which purpose, there is a printed statute enacted in King Henry the Eighth's time. And in Queen Mary's days, Plowden was fined in the King's Bench for words spoken by him in parliament against the queen's dignity. See *Filmer ubi supra*, and Mr Fowlis' Hist. of the Plots and Conspiracies of the pretended Saints, *init.*

This was well known to our British Solomon, King James, who, finding the House of Commons encroaching too far upon the prerogative, sent the ensuing letter from Newmarket to Sir Thomas Richardson their speaker:—"Mr Speaker, we have heard, to our grief, that our distance from parliament, caused by our indisposition of health,

hath emboldened some fiery and popular spirits of the lower house to debate matters above their capacity, to our dishonour, and breach of prerogative royal: These are therefore to command you to make known to them, that none hereafter shall presume to meddle with any thing concerning our government, or matters of state; with our son's match with the daughter of Spain, nor to touch the honour of that king, or any other our friends or confederates, nor with any man's particulars, which have their due motion in our ordinary courts of justice. And whereas they have sent a message to Sir Edward Sandis, to know the reasons of his late restraint, you shall resolve them, It was not for any misdemeanor of his in parliament; but to put them out of doubt of any question hereafter of that nature, we think ourself very free and able to punish any man's misdemeanors in parliament; as well sitting there, as after; which we mean not to spare hereafter, upon any occasion of any man's. And if they have touched any point, which we have here forbidden, in any petition of theirs, which is to be sent to us, tell them, (except they reform it,) we will not deign the hearing or answering. Newmarket, Decem. 3. 1621."—Sanderson's History of King James, p. 510.

And likewise, in the same parliament, when the House of Commons much insisted upon their privileges, calling them *their ancient and undoubted inheritance*, this wise prince, in a second letter to the speaker, plainly and truly told them, That most privileges of parliament grew from precedents, which shews rather a toleration than an inheritance; therefore he could not allow of the stile, calling it their ancient and undoubted right and inheritance; but could rather have wished that they had said, their privileges were derived from the grace and permission of his ancestors and him. And thereupon he concludes, He cannot with patience endure his subjects to use such antimonarchical words concerning their liberties, except they had subjoined, that they were granted unto them by the grace and favour of his predecessors: yet he promised to be careful of whatsoever privileges they enjoyed by long custom and uncontrolled and lawful precedents.—Sanderson's Hist. p. 519 and 520.

Now, add to this, that if the king should be drawn to consent to the bill of exclusion, after his several declarations to the contrary, he cannot but be concluded under a constraint, which alone makes the act void in itself; it being absolutely necessary that the commons, lords, and the kings consent should be free from all restraint and terror: and we know, that acts of parliaments in 15 Edw. III. and 10 Rich. II. were repealed, merely because the king's consent was forced.———Moreover, if we seriously did consider the mighty advantages of an hereditary monarchy beyond an elective, we should find it reasonable, that though the laws had not, yet the king should endeavour to make ours such; much less ought he to alter that most happy constitution, by excluding his brother. For, let men say what they please, the same power that that can put by one, may all; and so change the best of government for the worst, or none at all.

Besides his majesty cannot but find it his own interest to stick to the duke, when he reflects, that there is in all things, especially in state affairs, a balance necessary, by an equal libration to keep things in a right order, and prevent confusion and ruin. Where men are, there will be ambition; this creates parties and factions; these must be kept divided and asunder by their jars and disagreement; and by so poising them, that the less, like the smaller fry of fishes, be not swallowed by the greater, the safety of the prince and state is preserved. If the prince be once prevailed upon to join with the one to the suppression of the other, he has resigned his power, and has exposed himself to the mercy of the conqueror. This he likewise does, if he gives way to several little factions to embody into one of greater strength than the rest, though assisted with that of his own particular; for here we must suppose three strong parties, one of the prince, and two of the people. To keep this balance in the best posture, and to secure the peace of the commonwealth, by the king's reigning void of fear or

jealousy on the score of factions, or his successor, it is necessary in polity to find, or make the next heir the object of the people's hatred, and keep the factions from combining; because, however they may chance to be weary of the king, either through the inconstancy of their humours, studious of change and variety, though for the worse, or through the ill conduct of ministers, or the misfortunes of public affairs; when they find a person whom they hate like to succeed, they will be for continuance of the old; or else, being jealous of one another, will not attempt his removal. This then being so great an advantage, prudent kings cannot be supposed to neglect it, by suffering the immediate heir to be run down, and thereby giving way to the people to dethrone the present possessor, and set up the next in course after. To this wisdom in Henry the Third, gained by his own and father's misfortunes, we owe our present constitution of parliament. This king, perceiving the lords power (in whom, with himself, the supreme legislative right then consisted) grown formidable, the commons being their liverymen and dependants, erected these into a lower house, to counterpoise the weight of the other, that he, joining with either, as occasion of state required, might balance the other, and so keep things in an equal and steady libration. And if his successors had been as solicitous to maintain as he was to institute this good order and polity, the eternity of this commonwealth would not at this day have been a question. And as this was our home-interest, and that of holding the scales even between France and Spain our foreign, so it plainly appears, that not to exclude the duke is not only his majesty's particular interest, but also that of the three kingdoms. Not to insist, that the parliament is not compleatly the people's representative, but granting it is, they cannot be supposed to enjoy a greater power than those they represent; who, because such are the greater, and therefore must be concluded, explicitly or implicitly, to limit the commissions of these their trustees; and that confinement, reason will tell us, must be within the bounds of our ancient rights and privileges; consequently, these are not to be invaded without the consent of every individual person, or at least of the major part, truly polled and computed. The present electors, not making a sixth part of the nation, cannot in reason bind the rest contrary to their interest; much less can the majority of those chosen by them oblige the others to conform to whatever they enact, when they find the statutes more prejudicial than advantageous; the end of government being the good of the community, *i. e.* of the major part, not of any artificial or fictitious majority of a quorum, as in the House of Commons, of five hundred and twelve to reckon forty the greater number.

Now, if such an act should be obtained, the consequence, if the duke survive the king, (whose life God long continue) must needs be a war and misery, folly and repentance. Our histories are full of tragical events upon such occasions: one of them wrought so great a depopulation, that in sixty miles riding, between York and Durham, for nine years together, there was neither ground tilled, nor house left standing. Harold, justling young Edgar Atheling out of the throne, produced a civil war and the Norman conquest. I wish excluding the duke may not enslave us to the French dominion, which may be of greater evil than the cutting of as many of our own people's throats as died in the Yorkist and Lancastrian quarrel, upwards of two hundred thousand of the commons, besides several kings and princes, and nobles without number. The duke cannot be supposed to want sticklers both at home and from abroad; few will believe the act lawful in its own nature, nor the king's consent free, or themselves not bound by oath to his assistance: Scotland and Ireland will rejoice at another civil war in England, in hopes to free themselves from the inconveniences of being provinces. Those who have least to lose are the usual gainers by rebellion. There are sown between these nations seeds of discontent, and there will not be wanting those who will improve them. I have heard from knowing persons, there are no less than fifty thousand Irish soldiers now living, that have been trained up in the French, and other foreign service; and I

believe there cannot be fewer of the Scottish people. These all, with many of our own countrymen, will quickly credit the lawyers, that tell us, "No act, no crime, no attainder of treason, can bar the next of blood from being king in the instant of time his predecessor does not so much die, as transmit his life, his breath, or his soul, by a state-metempsychosis, into the nostrils, the body of his successor." Edward the Fourth, Henry the Seventh, Queen Mary, Queen Elizabeth, and King James enjoyed the crown, though all excluded by acts of parliament, if they ought to have the name, that were the effects of force, strong hand, and an usurping tyrannick power. These statutes were by all judges of England accounted void in themselves, and therefore never had the honour of repeals, nor were they brought into plea by Sir Walter Rawleigh, one of the greatest wits of that age, though he urged a very trivial one, *the king's not being crowned*, a ceremony of pomp and state, not of use or necessity, as appears not only in that it could be of no use to him, but that several kings have exercised a full regal authority, enacted laws, &c. before their coronations. And since this inauguration is but a formality, let it be well weighed, that unless the monarchy be made purely elective, and that part of the common law, and the several statutes that have declared it hereditary, be repealed in express words, and the oaths of allegiance and supremacy changed, and the successor mentioned by name, the act against the duke falls to the ground of itself, in the moment in which he happens to out-live the king; for thereby becoming our lawful sovereign, none can fight against or oppose his right to the crown, without perjury and rebellion; we having sworn to defend, against all pretenders whatsoever, foreign or domestick, the king's majesty, his heirs and successors, and all rights, privileges, and preheminencies to them belonging, annexed to the imperial crown of this realm. Is not the descent of the crown upon the next of blood one of these rights, &c. acknowledged by the common law, and in the statutes 1 M. Eliz. and Jac.? The maxim in our laws, The king never dies, confirming as much. And was not the duke then, at the taking of these oaths, the next heir? And what power on earth can absolve from the obligation of promissory oaths, without the party's own consent to whom the promise is made? Let us not rail against the pope, for deposing princes, and absolving subjects from their allegiance, and yet allow the parliament the same authority.

The bill against the duke is not only of an extraordinary, but of two natures; one expresses a present punishment, exile, which, as a subject, did the crime deserve it, none will deny may be inflicted; the other refers to the future, and is at present no punishment, nor can be hereafter; for if he out-live his brother, his being king in that moment puts upon him a new person, a politick capacity, over which, not before in being, no former authority could have power, nor any after, because himself is become supreme, and, as such, by our own, and the laws of God, subject to no earthly tribunal. Bracton, and all our old honest lawyers, tell us with one consent, The king can do no wrong, *i. e.* can be accountable to his subjects for none of his actions. *Nemo quidem de factis ejus præsumat disputare, multo minus contra factum ejus ire —— Locus erit supplicationi, quod factum suum corrigat et emendet; quod quidem si non fecerit, sufficit ei ad pœnam, quod dominum Deum expectet ultorem.*

Now he that says, The oaths of allegiance and supremacy reach no further than to the king in being, says not amiss, if he takes the king in his public capacity, for, in that he never dies. But if he means no more than the person of the reigning now monarch, he cancels with his death the obligation of those oaths, and makes rebellion against the successor no crime against conscience, though it may be otherwise against prudence. This is to elude the oath, and rob it of the energy designed. For it is plain, by the words *heirs* and *successors*, that the takers obligation continues during their own lives, let the persons of never so many princes be altered; and as certain, that in an hereditary monarchy the duty is owing to the next of blood: and that a parliament, or any power,

may dispense or absolve from the obligations, especially of promissory oaths, between party and party, without mutual consent, is a doctrine inconsistent with the nature of promises (where the promiser gives the other a right, and makes himself his debtor) with the rules of Christianity, of human society, and all government. It is no less dangerous to assert, that promissory oaths, or oaths *de futuro*, are not obligatory. Such a principal cancels all the duties and bonds of obedience between prince and subject; of which therefore not only the divines, and my lords the bishops, but the state, is to be very tender and careful. Upon this foundation, it is evident, that if the duke outlives his brother, and the monarchy of England, as it is, be hereditary, and coronation but formality, we become, upon the death of the one, the subjects of the other: And though there may be some that will not think of this truth, or notwithstanding will not mind it, yet I am assured, all that are truly Christians, and all that are of the church of England, and wise, will lay it to heart; for Christianity teaches, be the prince of any or no religion, we must be obedient, and submit ourselves, not only for wrath, but also for conscience sake. In the late times of usurpation they were so sensible of this, that they made the people covenant against the king, and renounce their former by after-oaths; yet they durst not depend on that artifice, without the assistance of an army. Thus then we see the duke cannot want a party in England, whose strength must over-power any other, when to it is united that of Scotland and Ireland. And here let none be mistaken, as if Scotland were governed or influenced by presbyterian Domines; the nobility there do wholly sway, and hate refined presbytery, and a plebeian commonwealth. Neither will the Scots be more forward to assist the duke than the Irish, in hopes they may thereby find an opportunity to extirpate the English, and regain their ancient possessions, free themselves from any dependence, or at least change their present from that of England to France, which on many scores seems to be the true interest of that kingdom, politickly considered, either as popish or protestant, without respect to religion. It is a ready inlet to France, who will not be wanting to assist the duke in this quarrel; the only way he can hope, by gaining England on his side, to win the universal dominion. Now to resist the duke, an army must be maintained; the general of that army may turn papist, or tyrant, or both; and either way we may be inslaved by the duke if he gains the victory; or, if he loses it, by our own general. Thus we may, by shunning one rock, split upon another. The Romans designing to free themselves from the seeming tyranny of Julius Cæsar, (who studied by clemency and obligations upon every body to secure himself, as must needs be his royal highness's interest, as it is his temper and inclination) made way for the real and perpetual one, in the persons of Augustus, Tiberius, and their successors. And the Græcians repining against their lawful emperors, and deeming their just and wholesome commands tyrannical and oppressive, were so refractory, and so obstinate, that, through spite to their sovereign, they would contribute nothing toward the necessary defence of the empire, when invaded by the Turk, until at last, through the just judgment of the Almighty, (a fitting punishment for their folly,) they became a prey to that tyrant, and to this day continue the veriest slaves in nature.

And, I pray, why must we run all this hazard to secure religion? If that be the thing, it may certainly be done by binding up the hands of a popish successor by such laws as will make it felony or treason for a papist to appear at court, or bear any office, and put it out of the prince's power to pardon such offences or offenders. For my own part, I see no cause to apprehend a popish successor, especially the duke, would or could alter our laws or religion. To attempt it, would be, for a crown of flowers to forfeit one of gold and jewels. Has he ever offered to persuade any of his children, or his servants, to change their opinion? and why should we think a man who has never broken his word or promise, and never professed nothing more than a liberty of conscience, so restrained as might be consistent with publick peace, should, with his fortune, alter

his judgment, contrary to prudence, and contrary to his interest? Kings are not now-a-days priest-ridden; and the King of England cannot be supposed to destroy his subjects at their desires, more than the monarchs of France and Germany, and other princes of that religion, where non-papists, or protestants, live under the protection of laws, and enjoy their liberties and their fortunes. Besides, to offer by force to reduce all to the church of Rome, would be folly and madness. Neither the constitution of England, nor Christianity, will admit of propagating religion by the sword. The next king, not to mention that his subjects in three kingdoms will be above two hundred protestants for one papist, will not have the fourth part of the present king's revenue; which, being insufficient fot the necessary expences of the crown, will necessitate him to have recourse to and compliance with his people in parliament.

But now consider the issue: If it please God, after this bill passed, in some short time to take the king to himself, the princess of Orange, perhaps in compliment to her father, and to prevent a war, may refuse; and her husband cannot come to the throne, if she decline it, others being before him. What then? the next after cannot come in; must the duke then? no, that is against law Here will then be no king; consequently anarchy and confusion. But if the princess do assume the crown, and after that the duke have a son, and he bred up in the protestant religion, what will then follow? still a war. The princess will be unwilling to resign, and yet the other is most certainly king. But if this young prince should, during his father's life, or his sister's, be kept out, he, or his issue after, contending with that of the princess, will entail a war upon the nations. So that, upon the whole, if the duke outlive the king, I see nothing but misery and desolation like to ensue upon his disinherison. And therefore I say, it is fitter to wave the act wholly, or endeavour, by proving him guilty of the plot by sufficient testimonies, to take away his life. For, if we cannot be safe if he succeed, I am sure we cannot if he outlive our present sovereign: a bill of attainder will be of no force; the best lawyers will tell you, the descent of the crown washes that stain away. A project of divorce whispered between king and queen will not be sufficient security: for, if that should take, which is not probable, because Christianity forbids it, yet it is possible the king may have no issue by a new consort; or, if he have, that the most will look on them but as illegitimate: and so, as a questionable divorce once brought us from the church of Rome in Henry the Eighth's days, another may return us thither, during, or soon after, the reign of Charles II.

And here I would have it remembered, that the nature of parliament requires their intermeddling only with what the king shall propound or approve: he calls them to advise and deliberate as counsellors, not to impose upon him in any particular. Let therefore the spirit of moderation govern and direct their counsels, put an end to the plot, by trying the accused. It has lost England in its trade already six millions, as has been lately computed by knowing persons; encreased our jealousies and fears at home, made us a scorn and reproach abroad, and exposed us to be a prey to the designs of foreigners. Let not the ambition, malice, or revenge of any of our fellow-subjects prevail to the enslaving ourselves and our posterities. If the power of the commons grow exorbitant, the lords are with the king to counterpoise it, to prevent the otherwise not avoidable ruin of the commonwealth. To the lords then this address is humbly submitted, praying they would betimes consider all the fatal consequences of the bill of exclusion. The love of truth and justice, courage, and the practice of those virtues in this great affair, are the only preservatives of England's present peace and future happiness. *Fœlix quemfaciunt aliena pericula cautum.* Remember what is past, and then I shall not need to add more than this, —— *Verbum sapienti.* As for others, guided or misled by ignorance, malice, or interest, I can only say, with the poet,

Quid cum illis agas, qui neque jus, neque bonum atque æquum sciunt?
Melius, pejus, prosit, obsit; nihil vident, nisi quod lubet.

And therefore I leave them to time for a better temper, to the conduct of their own reason, and God's providence, for the cure of their folly, and for a better understanding.

Since I finished this discourse, the following letter came to my hands; and, believing it as advantageous to the publick as it is ingenious, I have resolved to add it, that those who might repent the charge of the former may be recompensed by the latter.

Sir,

I am grieved at my very soul, and infinitely ashamed, to find by your last, that any make the supposition of the duke's being a papist, and consequently unfit to govern, the pretence of running so high against the monarchy; and that so many are drawn into this violent course and faction, upon the surmise of his being, if once offended, irreconcileable.

I shall, in few words, return you my opinion on these two points; I cannot indeed but look on both as meer artifices of ambitious men, who, missing a share in the present constitution, contrive another government, I wish I had not too much cause to say, it will at last end in a commonwealth: for, if nothing were in their heads but securing the established religion, they would not oppose popery alone, but presbytery, equally with the other destructive of that, for which they do not only open a gap, but for the opinions of all other sectaries. And we cannot here but observe with astonishment, and with resolutions, which have put us upon preparations, of sticking by our sovereign against all manner of insolent and rebellious practices whatsoever, that the commons have not brought any one man into trouble, besides papists, but men of known loyalty, and of the church of England; addressing, by repeated instances, in favour of H——, who ought, in our opinion, to have been executed for treason, if guilty of no other crime than his saying he could be backed with sixty thousand men, to stand by him for printing that seditious libel, The Appeal.

How is popery more dangerous than presbytery, either in principles or practice? Suppose the first is for the king-killing and deposing doctrine, of which all her professors are ashamed, and therefore disown it as a general tenet, allowing it only a probable opinion of some private divines: and where have princes felt the effects of it, as they have in Germany, from the Anabaptists; in France, from the Hugonots; in the Netherlands, from the Geuses; in Geneva, Scotland, and England, from the Presbyterians? For shame let us give the devil his due, and not make him blacker then he is.

It was the presbyterians of Scotland that made war against and banished their lawful Queen Mary, and began the rebellion in thirty-seven against King Charles I. It was these in England, and not the papists, who fought in his defence, that cut off[1] this prince's head.

But what if the papists say, An heretick king may be excommunicate and deposed, and that every one is so that is not of the church of Rome? does not the presbyterian say the same in other words? And is not the dogmatical classis, or synod, the sole arbitrator, and as imperious and infallible as St Peter's chair, That dominion is founded in grace? and that an idolatrous king may be cut off? and that a king is but the people's officer or trustee; and, if he fails in his duty, of which they alone are to be judges, they may resume their grant, and spurn him beside the throne? Put one anent the other, the hare's head against the goose giblets, and dee'l a barrel better herring will you find

[1] From this and other idiomatical expressions, it would seem that the letter is written in the real or assumed character of a Scotchman.

among all. The case is so plain, I need not instance authors, especially in a private epistle: but let me see whether Knox or Buchanan's disciples, or any of your English presbyter followers, can purge themselves and their writings from these pernicious principles. Did not all the popish plotters, lately executed, not only aver their own innocence, but deny the king-killing doctrine? Was not the contrary plain here with us, in the several risings of the whigs? And did not the murderers of the Archbishop of St Andrews,[1] as well as those just now by-past, maintain the lawfulness of their proceedings, and chuse to die, asserting the king was justly excommunicate, and that it was doing God service to kill him, rather than take their pardon, and disown those damnable tenets and doctrines of devils: What a stir all over the nation has the murther of a single justice of the peace, Sir Edmund-Bury Godfrey, made? And even that by the papists is not so very clear, but that some doubt whether they were really the authors: but granting they were, those that suffered for the crime denied it, with horrid execrations, and asseverations of their innocence; and yet allowing them guilty, that is much, very much, less than the barbarous assassination of a protestant, the metropolitan of Scotland; the wicked instruments of which, the presbyterians, were so far from disowning it, that they impudently gloried in that inhuman act, as a meritorious piece of zeal and devotion. And is it not a smaller guilt or evil with the papists, to design the killing of a king, than with the presbyterians, to have actually murdered one of the best that ever swayed a scepter; and, with those antichristian zealots of this kingdom, of the same herd, to avow they would likewise gladly sacrifice our present sovereign? And yet what prints or pulpits have since inveighed against such hellish proceedings? Was not this, together with a formed rebellion of many thousands in the field, hushed and passed over in very few days, without noise, wonder, or abhorrence? The memory and reproach of the other being still in the mouths of all, and freshest in theirs who were partizans, or of the same principles with those of our villainy. Away, away, man, for shame; let it not be said, that the presbyterians are not even as black as the papists: suppress both or neither: it is best policy to set them anent of each other for a balance. If I did not hear, from all hands, the insolence of the presbyterians, and with trouble read many of the printed votes, and the ballads on the bishops, for voting against the duke's exclusion, I should believe that our present fears and disorders in England did proceed from apprehensions of popery; but by many arguments I am convinced, that the duke's private opinion is but made the stale to wreak their malice against the kingly government; and that passion, more than reason, does influence your countrymen.

For, I pray consider, is not faith the gift of God? Can any man believe what he pleases? And who knows whether the duke was ever of the church of England? Did not the late rebellion force him to fly into a popish country in his youth? And is it not next to impossible to remove prepossessions, especially considering the unity, antiquity, and universality of that church, wherein all the English orthodox divines allow salvation? Can any man change his complexion, alter the figure of his face, the stature of his body, the colour of his hair, or of his skin? Is not the jaundice a disease in the eye, that needs the help of physick? And is not error or weakness in the understanding a distemper also that requires the assistance of a physician? And what remedy can be proper, but gentle arguments, and the persuasive arts of discourse and sober reasoning? Persecution makes some men, those of great souls, obstinate; and others of little, hypocrites. But what law enacts, that an opinion, in the disputable parts of religion, ought to deprive a man of his right to inherit? Would any of your fanaticks (I am sure none of our whigs would) hold their tongues, if treated so severely: equality of justice is that alone which upholds a state, and makes a kingdom happy.

[1] See a subsequent tract, entitled *Ravilliac Redivivus.*

And why must there be all this stir about the duke, when it is more than probable he may not survive his brother, for whose long life, I am persuaded, he, as well as all honest subjects, does heartily pray: but if he should, pray why, if a papist, must he, more than the French king, or other popish princes, destroy his subjects? To do so would be against his interest, if a Turk, or an Atheist.

The case would not then be what it was in Queen Mary's days: those laws, by which men suffered, (and yet in her six years there were not three hundred, and few of them too purely for religion) are abrogated; the body of the people were then more papists than now protestants; and no new laws can be made without a parliament, out of which, as well as out of all offices, Roman catholicks are excluded, by oaths and penalties not in the prince's power to remit or forgive: So that, upon the whole, there is, indeed, on this account, no real danger of any innovation in religion; and therefore we may well look on this but as a pretence to undermine monarchy itself.

But lest this single string should fail, they have cunningly found out another for their bow, the inexorableness of the duke's temper, if once offended:[a] a groundless and malicious scandal; an opinion that, being generally spread abroad, has already begot many great evils, and, if continued, will, in all probability, run us into infinite calamities and disorders, not to be equalled but by the malice of the contrivers: For his being thus misrepresented must needs add to the people's obstinacy in opposing and his violence in asserting his right to the crown: and therefore I wonder how you suffer yourselves to be imposed upon, and your understandings subjected to that slavery which is certainly designed against your persons by the ambitious, without prying into the grounds and considering the consequences of that calumny. I am sure, did his enemies allow but half the time for consideration, as they do for passion, they would find his royal highness is much less swayed with an inordinate desire of revenge, than they are with a false and misguided zeal; or, which is more, that he is as void of that spiteful humour, as they that charge him with it are of candour and integrity. The knowledge of this truth I owe to my observation of his temper, principles, and practice, in the many varieties of his fortune: But I am now more bold to affirm it since his coming into Scotland; because, three days after I had shewed him your letters, he publickly declared in council, that though the malice of his adversaries might possibly deprive him of a crown, together with the affections of the people, yet it would never of the royal virtue of clemency: which, whether he derives more from the blood of his father, or the example of his brother, is an undecided question; as it likewise is, whether the one merited more by laying down his life for his people's liberty, than the other by pardoning so many thousands, who had forfeited theirs to his justice: that he was not ignorant how Machiavel's advice of *Fortiter calumniare et aliquid adhærebit* was daily put in practice by his adversaries; nothing being so usual with them as to traduce his most blameless actions, calling justice, cruelty; bounty, prodigality; resolution, obstinacy; valour, rashness; and, in fine, any thing that is great or glorious, base and degenerous: yet he hoped truth would at last prevail against his and its own enemies, and make it as impossible for them to spread their calumnies to his disadvantage, as for him to leave any to severity or punishment, that had first left their crimes: that he always looked upon revenge as the result of a cankered and impotent mind, inhumanly rejoicing in the calamities of the oppressed, and as insatiable in cruelty as the memory of received injuries is commonly indelible; than which nothing was more contrary to his nature, having, besides the commands of Christianity, been taught from his infancy, that so poor and mean a passion ought never to influ-

[a] The opinion of James's obstinacy was deeply rooted among the people, who compared his temper with that of his brother. "Do you not know," said he to one of the numerous state criminals of his time, from whom he wished to extort a confession, "do you not know that it is in my power to pardon you?" "It may be in your power," retorted the condemned person, "but it is not in your nature."

ence a prince, who is obliged by honour to end his wrath, as soon as his enemies do their malice: and having no rivals to contend with, is then to be accounted most victorious, when he triumphs over himself, by conquering his passions: that he challenged any that knew him, to give one instance wherein he had swerved from this maxim, or exercised any rigour against any offender, that had truly and sincerely repented: that he could not forget the French proverb, *Qui se fait un brebis, le loup le mange*, i. e. "The wolf devours him that makes himself a sheep;" and therefore would not, by an over-easiness of nature, yield tamely to his own ruin, and suffer himself to be made a prey to the ambition and insolence of others; but was resolved to temper the methods of gaining and enjoying his just rights with a mixture of severity and mildness, proportionable to the opposition he should meet with: and, lastly, that he could distinguish very well between those whom ignorance or imprudence carried insensibly beyond the bounds of duty, and those who knowingly and advisedly ran not only into extremes themselves, but likewise, by lyes and false suggestions, hindered many to return from, and drove others to, wicked and malicious practices; and, consequently, he hoped none would wonder if these should feel the smart of his justice, as the other might be sure, upon disclaiming their errors, to be received into mercy, being persuaded, that punishing such men could no more be termed revenge than executing the laws against traitors and disturbers of the public quiet could reasonably be accounted cruelty: but lest, upon this score, he should be thought to reserve a latitude to himself of wreaking his anger against any at pleasure, he was willing to give all the assurance they themselves could expect, and would move his brother to agree to an act of parliament for that purpose, that he would freely forgive, and bury in eternal oblivion, whatever is past, that so either all may be thoroughly reconciled, or such as are guilty of that implacability which they attribute to him, differenced from the rest, and left without excuse to the terror of their own evil consciences and his just resentments.

I cannot imagine what further can reasonably be expected from an injured prince, and am confident, whoever after continues dissatisfied is as great an enemy to reason as he is to his royal highness; and, instead of taking away, seeks to perpetuate your differences. Nor do I see why any before him should be credited in an affair of this importance, since all acknowledge him to be of a frank and generous nature, free from all dissimulation, and the little politick fetches and evasions which serve other men's turn to break their promises: whereas the ringleaders of his adversaries are versed in all the arts and wiles of forming parties and factions, and consequently cannot be thought to stick at forging any lye or aspersion beneficial to the end they propose. But, allowing an equal probability of truth in his denial and their charge, yet to err of his side is not less safe, and I am sure much more honest and honourable.

It is indeed the usual cheat of aspiring men, by specious pretences, first to engage the unwary in their conspiracies, and when either fear or honesty opens their eyes, then to make them believe they are so far advanced that they cannot with safety retire; and that the state or person they provoked will admit of no other atonement than that of their lives and fortunes. This device (to omit ancienter times) in Philip the Second's reign, filled the Belgick plains with the blood of his Spanish and Flemish subjects; brought France successively under several kings almost to total destruction; deprived our late sovereign of his life and crown, which I am confident was not by the major part first intended in 1640; and had like to have kept his present majesty in perpetual exile, had not Providence wrought miracles in his favour, and, in spite of all the artifices of his rebellious subjects, restored him to his throne without blood or violence; among which I cannot but remember that devilish pamphlet, intitled, A Letter from Bruxelles, &c. mentioned in Baker's Chronicle, published after his majesty's declaration from Breda, insinuating, that, notwithstanding his promises, if they suffered his return, he would with all imaginable cruelty revenge the death of his father, and not forget it to the third generation of those concerned in that horrid

murder. This put the people into a great consternation; yet his unparalleled clemency and his so often pressing his parliament to pass his act of oblivion, sufficiently proved the malice of that invention. But I hope this cheat is now so well known, that it will gain no credit with considering persons: I only wish some care were taken to undeceive the weak and unthinking, that peace and unity, which seem to have parted from you with his royal highness, might with him be once more restored, and the happy union of both kingdoms be made perpetual, by suffering no rent or gap in the royal line; which all of our nation, (and we hear those of Ireland will not be less forward) are not only obliged, but have vowed to maintain, with the hazard of their lives and fortunes: a necessity we hope you will never put upon us, as well for your own sakes, as for the peace and quiet of this kingdom, wherein he has not the least concern, who is, and always will be,

Your most humble and most obedient servant, &c.

Postscript.

Just now I hear of a new project set on foot, to give the king six hundred thousand pounds, which he may dispose of at pleasure, on condition he will consent to the bill of exclusion; and that, in return, he shall have power, by act of parliament, in case he have no issue by his queen, to settle by will the crown upon any of his natural children. To manage this design, a new set of ministers is contrived: a great lord, whose son most, if not wholly, influences the House of Commons, is to be made a duke; another earl to be treasurer; Sir W——— J——[1] is to be lord chief justice; Col. T———. to be a secretary of state, &c. I am very sorry to perceive the differences between the king and his subjects are fomented by persons of the same humour with those in 1640, who, meeting at Sir Robert Long's, undertook, if his then majesty would do so and so, he should govern the parliament to all intents and purposes: the king consenting to every, excepting one, their desired preferments, was refused, crying out, one and all, having before bound themselves accordingly. One of the then leading men has in this parliament a son, whose power and ambition falls very little short, if at all, of his father's; and if you have a mind to discover Hercules's proportion by that of his foot, compare the Remonstrance and the late Address, and without naming, you will find the near relation of the authors. For shame, let not such proceedings be nick-named, doing your country service. I remember to have heard, that in the short parliament, before that of (40) when some more zealous than wise members spake too extravagantly, a sober gentleman, and no courtier, stood up and said, he was for more moderate counsels, lest their present heat and exorbitance should put that king, and his successors, for ever out of conceit with parliaments, who depended upon his pleasure. I wish the whole kingdom, as well as their prince, may have no reason to grow weary of, and dislike the settled constitution of commons in parliament, chusing rather to have, as formerly, the whole power in the king, and his great council of lords and barons. Extremes are near one another; and many, by grasping at too much, have lost the little they enjoyed: this is as foolish as with the dog in the apologue, to lose the substance for the shadow: and, since prudence tells us a long provoked and incensed clemency turns into the greatest cruelty, you ought to bridle your passions and ambition, lest you too late repent your madness and your folly. This consideration has carried me beyond the usual length of a postscript, wherein I designed to have said little more, than that I understand the duke writes this night to the king his brother, That, if he can be secure, his parliament will agree with him, upon quitting

[1] Sir William Jones.

his interest, that he should not longer struggle for him, who would not only hazard his uncertain hopes of a crown, but would with joy expose his life, to do his majesty service; whose long reign and happiness, notwithstanding all the forgeries of his enemies, he as heartily wishes as any other the most loyal subject in his dominions.

Consider the greatness of this generosity, and let not malice for ever prevail, to the defamation of innocence, and the disturbance, if not the ruin, of these nations.

A Letter to his Royal Highness the Duke of York, touching his Revolt from, or return to the Protestant Religion. By an old Cavalier, and faithful Son of the Church of England, as established by Law.

Illustrious Sir,

When I look up to the greatness of your quality, and down on my own meanness, I cannot but tremble to make this address, so liable to be censured as presumptuous, and obnoxious to variety of misconstruction. But since my pen is guided by an heart filled with profound loyalty and veneration towards all the royal family, and a sincere respect and most passionate desire for the particular prosperity (temporal and eternal) of your royal highness, I cannot refrain discharging what I apprehended my duty; and therefore with good Esther, finding not only my country, but your highness also, in such apparent (I wish it may not prove inevitable) hazard of ruin, am resolved to adventure forth, and cast my poor weak sentiments at your feet; and if they perish, they perish.

It is generally reported, that you are long since turned papist; and so far believed, that every day many hundred thousand protestants are melted into tears and horror merely on that consideration, and lament the same, as one of the greatest calamities that has happened in our age. I must do myself so much justice as to declare, that I am none of those fanatical spirits, that either raise, or lightly credit, rumours to the prejudice of my superiors. But, besides what has been sworn by persons, whose evidence none have hitherto been able to invalidate by any substantial reasons, or incoherence in their depositions, your highness's conduct and deportment for many years past, your absenting from the public worship of our church, refusing legal oaths and tests, your countenancing, retaining, and intimate correspondency with Roman Catholicks, and many other reasons not fit, at least unnecessary, here to be mentioned, do all loudly speak it: and for those who would go about to deny it (as some wretched pamphlet-scribblers and unthinking health drinkers have done,) besides the folly of the attempt, they unwarily cast a greater load of ignominy and dishonour on your highness, whilst they pretend to vindicate you.

For is it imaginable, that a prince of your generosity and prudence would so far suffer the affairs of your royal brother to be embroiled, his councils discomposed, all the protestants in the world swallowed up with astonishment, and almost despair, your own honour sullied, your interest impaired, and these three kingdoms put into a deplorable distraction, merely upon a false supposition, without rectifying in all this time their mistake by some real demonstrations to the contrary? If such a *capricio* should sway with your highness, what were it but to render you the worst subject, the most unkind brother, the most impolitick prince, and the maddest or most monstrous man in the world?

I shall therefore take it for granted, and consequently must, though with all humility, and a sorrow inexpressible, direct my discourse to your highness as an apostate from the protestant faith; and if I am mistaken, it is your highness has led not only me, but almost all the world, into that error.

I am not insensible of my own weakness, and how unfit I am to argue matters of religion with your highness, and those subtile sophisters (the pest of Europe and shame of Christianity) which are always croaking about persons of quality, whom they have perverted to their idolatries; being myself but a lay-gentleman, of little learning, and in the course of my life more conversant with the sword than the pen: and I must wonder with regret, if none of the right reverend fathers, my lords the bishops, or some of our other learned divines, have not vigorously made application to your highness, even in a publick manner to regain you to the protestant communion: if they have not charged you, as they are God's ambassadors, to shew some reasons why you have broke the league (your baptismal vows) with his church, and joined yourself to the tenets of his enemies: if they have not adjured you in the name of our Lord, to shew on what offence taken amongst us, and for what beauties observed in the church of Rome, you quitted the true spouse of Christ to follow the enchantments of a strumpet, whose shameless adulteries have long since caused an utter divorce between her and the blessed Jesus: if they have not solemnly called heaven and earth to record, that they are ready to satisfy all your scruples, to answer all your objections, and to shew, that it is not through any default in them, for want of endeavours, nor in our church for want of truth, but that your defection must be wilful, as well as unreasonable, whereby to render you either convicted or inexcusable.

Nor do I doubt, but several of those glorious lights of our church may accordingly have discharged, without fear or flattery, their functions herein in private discourses: but certainly a matter of that inestimable importance, as wherein not only the soul of one of the bravest princes of the earth, but also the whole protestant interest in the world, especially within these three nations, is so deeply and dangerously concerned, might require, since I am sure it deserves a publick and general application: nor ought any, though the meanest of men, to be blamed for contributing modestly his help to prevent a disaster of such universal influence: and therefore who knows but that Almighty Providence, who overthrew Jericho's proud walls of old, not with battering engines of war, but with the blast of contemptible rams-horns, and is often pleased to make use of the weakest instruments to effect mighty works, may give a blessing to these poor, unpolished, inartificial lines, which have nothing but the power of truth, and the honesty of a sincere intention, to recommend them to your princely consideration?

That you were educated in protestant principles is notorious. I beseech your highness therefore to satisfy the world what could induce you to a change. I shall not mention your royal grandfather, whose learned pen baffled all the conclave; nor shall I insist on that curse which he solemnly pronounced on any of his posterity that should turn papists; I shall only say, had you not the example, and the commands too of a most indulgent, pious prince, your royal father, for perseverance therein, who, though barbarously murdered by vile men, yet continued stedfast, and even with his last breath discharged and cleared the doctrine of the reformed religion from having any share in their crimes? What impiety is it, if you should dare to profess your father's blessed soul to be eternally damned! and yet, if you are a papist, you can do no less, for you cannot be such without believing that there is no salvation out of the pale of the church, and that there is no church but that of Rome; and I am confident none can have the impudence to suggest, that he died in the communion of that church: what follows then? or how will you answer this horrid scandal on his sacred memory, when you shall meet his glorified spirit at the last dreadful judgment-day? Nor can the keenest jesuit blunt the

edge of this argument by a retortion from the consideration of your highness's illustrious mother; for though papists are so audacious as to place the keys of heaven at the pope's girdle, and uncharitably doom us all to unquenchable flames, not affording us so much as a room in purgatory, yet protestants are not so unchristian, but (according to scripture) leave secret things to God, and allow grains for education, prepossessions, ignorance, &c. which is yet no more reason for any man to turn papist, than it is for him that stands safe on the shore to leap off into a vessel so rotten and leaky, as just ready to sink, upon a presumption that still some of those that are in her may escape the danger: or to chuse an impudent quack, who boasts he only can cure him, and refuse a learned physician, who modestly grants he may peradventure be healed by the other, though very improbably; but withal, that it is a million to one but the patient, under such hands, miscarries; and that in this case eternally.

But quitting this argument, which is only personal, I beseech your highness to tell us how you, or any man of sense, can so far forget, not only his education and interest, but his very reason, as to embrace popery, frightful, detestable, ridiculous popery, that chaos of superstition, idolatry, error, and imposture, that has no foundation but a cheat; no ends but to gratify pride and avarice; no solid argument to promote and maintain it, but impudence and cruelty.

Popery, that depends wholly upon nice and poor uncertainties and unprovable supposals: As, 1st, That Peter was bishop of Rome. 2dly, That he left there one to be heir of his graces and spirit, in a perpetual, infallible succession. 3dly, That he so bequeathed his infallibility to his chair, as that whoever sits in it cannot but speak truth; so that all who sit where he sat must, by some secret instinct, say as he taught; that what Christ said to him absolutely, without any respect to Rome, must be referred, yea tyed, to that place alone, and fulfilled in it. 4thly, That Linus, Clemens, and Cletus, the scholars and supposed successors of Peter, must be preferred, (in the headship of the church) to John the beloved apostle, then still living. 5thly, That he whose life is oft-times monstrously debauched, his judgment childishly ignorant, cannot yet, when in his pontifical chair, possibly err. 6thly, That the golden line of this apostolical succession, in the confusion of so many long desperate schisms, shamefully corrupt usurpations and intrusions, and confessed heresies, yet neither was nor can be broken.

Popery, that teaches men to worship stocks and stones, and painted clouts, with the same honour as is due to our creator; and lest that practice should appear to her simple clients too palpably opposite to God's law, most sacrilegiously stifles one of the ten commandments in their vulgar catechisms and prayer-books.

Popery, that utterly confounds the true humanity of Christ, while they give unto it ten thousand places at once, and yet no place; flesh, and no flesh; several members without distinction; a substance without quantity, and other accidents; or substance and accidents that cannot be seen, felt, or perceived; so that they make a monster of their Saviour, or nothing.

Popery, that utterly overthrows the perfection of Christ's satisfaction; for if all be not paid, how hath he satisfied? If temporal punishments in purgatory be yet due, how is all paid? And if these must be paid by us, how are they satisfied by him?

Popery, that hath made more scriptures than ever the Holy Spirit dictated, or the ancient church received; and those which it doth make, imperiously obtrudes upon the world; and while it thunders out curses against all that will not add these books to God's, seems to defy the curse pronounced by God himself to those that add unto his word, Rev. xxii. 18.

Popery, that erects a throne in the conscience to a meer man, and many times rather a monster than a man, and gives him absolute power to make a sin of that which is none, and to dispense with that which is; to create new articles of faith, and to impose them upon necessity of salvation; to make wicked men saints, and saints gods;

for even by the confession of papists, lewd and undeserving men have leapt into their calendar; yet being once installed there, they have the honour of altars, temples, and invocations; some of them in a stile fit only for their Maker.

Popery, that robs the heart of all sound comfort, whilst it teacheth us that we neither can nor ought to be assured of the remission of our sins, and of present grace and future salvation; that we can never know whether we have received the true sacraments of God, because we cannot know the intention of the minister, without which they are no sacraments.

Popery, that ecks the conscience with the needless torture of a necessary shrift, wherein the virtue of an absolution depends on the fulness of confession, and that upon examination; and the sufficiency of examination is so full of scruples (besides infinite cases of unresolved doubts in this feigned pennance) that the poor soul never knows when it is clear.

Popery, that, under pretence of religion, plays the bawd to sin, whilst both, in practice, it tolerates open stews, and prefers fornication in some cases before honourable matrimony, and gently blanches over wilful violations of God's law with the favourable title of venial crimes.

Popery, that makes nature vainly proud, in joining her as copartner with God in our justification, salvation, and idly puffing her up with a conceit of her perfection and ability to keep more laws than God hath made, whence their doctrines of merit and supererogation, &c.

Popery, that requires no other faith to justification in Christians, than may be found in devils themselves; who, besides a confused apprehension, can assent to the truth of God's revealed will, and popery requires no more.

Popery, that, instead of the pure milk of the gospel, hath long fed her starved souls with such idle legends as the reporter can hardly deliver without laughter, nor their abetters be told of without shame and disclamation; so that the wiser sort of the world read these stories on winter-evenings for sport, which the poor credulous multitude hear in their churches with devout astonishment.

Popery, that requires nothing but mere formality in our devotion; the work wrought suffices alone in sacraments and in prayers; if the number be repeated by rote, no matter for the affection; as if God regarded not the heart, but the tongue and hands; and while he understands us, cared little whether we understand ourselves.

Popery, that hath been often dyed in the blood of princes, that in some cases teaches and allows rebellion against God's anointed; and both suborneth treasons, and excuses, pities, honours, and rewards the actors.

Popery, that overloads men's consciences with heavy burdens of infinite, unnecessary traditions, far more than ever Moses commented upon by all the Jewish rabbins; imposing them with no less authority, and exacting them with more rigour, than any of the royal laws of their Maker.

Popery, that cozens the vulgar with nothing but shadows of holiness in pilgrimages, processions, offerings, holy-water, Latin services, images, tapers, rich vestures, garnished altars, crosses, censers, and a thousand such like, fit for children and fools, robbing them in the mean time of the sound and plain helps of true piety and salvation.

Popery, that cares not by what wilful falsehoods, equivocations, perjuries and abominations it propagates itself, and maintains its credit; and therefore, being conscious of her own villanies, goes about to falsify and deprave authors that might give evidence against her, to outface all ancient truths, to foist in Gibionitish witnesses of their own forging, and leaves nothing unattempted against heaven and earth that might advance her faction, and disable her innocent and just accusers.

This, this is the true figure of popery, through whatever false opticks your highness may have viewed it; this is that for which you are resolved to hazard a crown of glo-

ry, and three temporal diadems to boot; and to which you sacrifice both your own fortune, and the tranquillity of many millions of souls.

What then can the world, that knows the clear light of your highness's elevated understanding, imagine can be the cause of your revolt? Will they not be apt to conceive, that you have not espoused this mock-religion purely for its own sake, but for some promised dowry of an absolute monarchy, or arbitrary power, which she might pretend to bring one day with her to your embraces? But as this is far below the justice and generosity of your highness, so it is unworthy the thoughts of any considerate politician. For suppose any prince, to whom the British sceptre may hereafter devolve, intoxicated with the tinsel-glories of the French monarch's blustering grandeur, should be so vain as to hope to subjugate the English liberties, and destroy the constitution of the best established government on earth, by assuming to himself the whole legislative power, raising money, and draining his subjects at pleasure, without their common consent in parliament, &c. and should be so extravagantly enamoured on this fatal project, (fatal I say, because for above five hundred years it has shipwrecked all that coasted that way) as to be content to shift his religion, and exchange his faith, and turn papist, on a presumption, that the same might facilitate and accomplish his enterprize: as King John, it is said, resolved once to embrace Mahometism, rather than not be revenged of his barons, claiming their just liberties: suppose, I say, all this should be, and that the present papists, to get their religion publickly established, should comply with his designs, yet still is it not most reasonable to believe, that, having once gained their point therein, they, or their posterity, will soon recal to mind their birth-rights and privileges due to them as Englishmen; and will they not then be perpetually tugging and struggling to regain them? whence continual disturbance will ensue, and a standing army must be kept on foot to support this ill-acquired grandeur. For these subjects that contended with King John and King Henry the Third, &c. though they were papists, and of the same religion with those princes, could not brook it, to be slaves to their arbitrary pleasures in their civil rights. Besides, what a waking dream is it for any king, that is free from the Roman yoak, to think to make himself more absolute, by involving himself and his kingdoms in thraldom to the church of Rome; wherein not only the pope pretends a right to domineer over him, but every ecclesiastick esteems himself wholly exempt from his jurisdiction, and all his people will be but half his subjects, viz. in temporals; for in spirituals, and *in ordine ad spiritualia*, (a monstrous draw-net, that may include almost all the actions of human life) they are wholly to be conducted by his holiness and his subordinate ministers. How therefore can your highness, if a Roman catholic, complain of the late successive Houses of Commons for pressing a bill to exclude you? Is it any disloyalty to endeavour to preserve the imperial crown of England from a truckling and shameful servitude to a foreign usurper's power? or is it any such unheard-of thing to debar a prince from a throne, that hath obstinately *disabled* himself? Certainly, above all men, the Roman catholicks ought not to murmur at this, for did not the pope issue forth a bull to exclude your grandfather King James, unless he would turn papist? and did not the Romanists, though they acknowledged the title of your other grandfather, Henry the Great, to the French diadem, yet refuse to pay him any obedience because a protestant, and on that only score fought against him as long as he continued so, and thought it no rebellion? Your highness perhaps will say——What though they did so? true protestants and the church of England do not own such principles. Well then, if the protestant principles be better than those of the church of Rome, what madness is it in your highness to abandon the first and chuse the latter?

I am a dutiful and hearty lover of monarchy, and, when established on such an equipoized basis of wisdom as ours is, shall ever assert it to be the best form of government in the world, and most agreeable to the genius of Englishmen: but that lineal descent

is so sacred a thing, that the heir presumptive can for no default or crime whatsoever be debarred from the crown by an act of parliament, or publick decree of state, I do not understand; for I am sure the practice in all ages, both at home and abroad, in almost every nation in the earth, hath run contrary: and as to right, those that pretend such succession in all places to be *Jure Divino*, would do well to shew in what texts of scripture the same is prescribed; till then, they do but talk, not argue; and if a candidate to the crown for any reasons whatsoever, may, without offence to the law of God or nature, be excluded by an act of king, lords and commons, then the *Jure-Divino*-ship vanishes, and nothing is left to be considered: but whether such next heir have done such acts, or is so qualified, that in prudence it be necessary for the tranquillity of the public to exclude him. Now I believe there are but few of the church of England, but if the bill had passed the lords, and his majesty had given his royal assent to it, would have acquiesced therein, and consequently they do not believe the exclusion to be simply unlawful by the law of God or nature; for against either of them no human ordinances ought to prevail.

But all true loyalists do not despair, but your highness may yet prevent all occasions of such disputes, by opening your eyes; or rather that God (in whose hands are the hearts of princes) may irradiate your royal understanding, and let you see the horrid blackness of those men who have endeavoured to seduce you, and of those principles to which they would have inveigled you, on purpose to have made your highness a property to their ambition and avarice, and that, under the shadow of your illustrious name, they might one day tyrannize at pleasure over these three kingdoms.

If heaven shall be pleased to work such an happy inclination in your highness, you shall presently see the whole British empire echoing with praises and acclamations; and instead of murmurs of seclusion, every good subject shall erect you a throne in his heart.

But the grand difficulty will be to satisfy the prejudiced world of your sincerity herein; for if your highness (which God forbid) should declare yourself a protestant only to serve a present turn, and use the sacred name of our religion but as an engine to advance the design of our bloody enemies, you would act at once the most dishonourably and (in the end) most prejudicially to your own interest, in the world, and most certainly expect the blasts of heaven and curses of earth on all your future proceedings; for hypocrisy is odious to God and man; nor is there any monster so abominable to serious men of both sides, as a church-papist.

Your royal highness, I hope, will excuse our fears; for we are not ignorant of the arts and craft of Rome, that she esteems no means unlawful to obtain her ends. How shall any oaths be sufficient tests, when private dispensation may at once allow the taking and warrant the breaking of them? or what signifies the participations of our sacraments to one that is taught, we have no true ministers of Christ; if so, no consecration, consequently nothing but an ordinary breakfast of common bread and wine: and who shall lose the hopes of three crowns rather than not taste such harmless viands? Not that I dare imagine your highness's understanding would suffer you to believe the lawfulness, or your princely generosity permit you to practise these lewd dissimulations; yet, since such doctrines are daily taught in the Roman church, how shall protestants be assured they have no influence on your conduct? I must therefore, with all humble freedom, assure your highness, that after so general an opinion of your highness's having been a Roman catholick, though you should go never so duly to church, receive the sacrament a thousand times, and take oaths all the way from Holy-Rood House to St James's, yet the people would scarce believe the reality of your conversion, unless withal they see it accompanied with some other demonstrations. For as faith without works is dead, so profession of a religion, without agreeable endeavours to advance it, will be vain. If his royal highness, will the people say, be a good

protestant, he will undoubtedly discourage all papists, the sworn inveterate enemies of our religion; he will not suffer a popish priest to approach his person or palace. If he have had any intimation of any ill designs, if any have been tampering to reconcile him to popery, (which is no less than treason) he will presently detect those mischievous instruments, that they may be brought to condign punishment, and applaud the justice that has been done on Coleman, the five jesuits, Godfrey's murderers, &c. thereby stopping the mouths of the brazen tribe, who would make the world believe they died innocently. He will declare against all arbitrary designs, detest those who, by sneaking flatteries, would unking the ancient and most wise constitution of our government He will heartily recommend parliaments to his sacred brother, as the wisest and safest councils, and even thank the late houses of commons for their zeal against him, while they apprehended him as an enemy to his king, and the religion and safety of the kingdom. He will vigorously, by his counsels and interests, oppose the growing greatness of the French, which, at this day, threatens all Europe with chains; and immediately tends not only to the decay of Great Britain's trade and glory, but also to the diminution, oppression, and (if it lay in human power) utter subversion of the reformed religion throughout the world.

These and the like noble fruits will the people not unreasonably expect from your royal highness, whenever you please to declare yourself a protestant; which that you may speedily do, not politickly or superficially, but with that sincerity as so serious a matter (of infinite more value than the three crowns of which you are presumptive heir to) is the prayer of all good men, and particularly of your royal highness's

Most humble and faithful servant,

PHILANAX VERAX.

A Letter to a Person of Honour concerning the Black Box.

Under this mysterious title the reader will find one of the most bold and notable efforts that ever was made by any faction mentioned in history. The enemies of the Duke of York came to a resolution to disappoint him of the succession at all hazards; in order to which, they endeavoured to seduce both the king and the people into their measures: the latter, by establishing it as an irrefragable truth, that a papist could never be a fit defender of the protestant faith; and the former, by all the practices that could be tried on all the passions of man. Having discovered that his majesty was not over fond of his queen, they not only furnished him pretences to sue out a divorce, but offered him all the assistance in their power to obtain one; believing that he was jealous of his brother's superior reputation, as also that he stood in some awe of his dangerous temper, they contrived the Bill of Exclusion, to remove him out of his majesty's way as well as their own; and, lastly, knowing that the king was inexpressibly fond of the Duke of Monmouth, they applied themselves to open a way for him to gratify that fondness, by advancing that duke to the throne, (which is the point laboured in the ensuing tract, and which the public had been prepared to receive by hints and rumours of the same tendency long before.) His royal highness, as most concerned in the consequence of these endeavours, was in the meanwhile most attentive to the progress, and most solicitous to defeat them: accordingly the story in behalf of the Duke of Monmouth was no sooner whispered through the kingdom, than he induced his majesty to make two several declarations, writ all with his own hand, to his privy council, importing that he was never married, nor contracted to any woman, but to his wife Queen Ca-

therine. And the first of these was dated January 6, 1679; and the second, March the 3d following. The story of the Black Box did not become the talk of the town till the beginning of the year 1680; and what motions it occasioned may be gathered from the following account, which was published in the London Gazette, No. 1507, and which gave rise to the tract before us.

At the Court at Whitehall, April 26.

" His majesty having commanded the council to meet this day extraordinarily, acquainted them that he lately had notice of a false and dangerous rumour spread abroad, of a Black Box pretended to be found, wherein was contained a writing importing a marriage, or contract of marriage, between his majesty and the Duke of Monmouth's mother, which his majesty did positively declare to be altogether false, and therefore said, he thought himself obliged in honour and conscience to have the matter thoroughly examined and searched into; and that, in order thereunto, he had sent for Sir Gilbert Gerard, who was reported to be the person that had seen some such writing, or to have had the same in custody.

" Whereupon Sir Gilbert Gerard being called in before his majesty in council, (his royal highness and all the judges of the courts at Westminster being present, by his majesty's particular command,) this following question was, by his majesty's order, and by the advice of the privy-council, and by the opinion of all the judges, proposed to him, viz.: Whether he knew of, or had seen, any writing importing a marriage, or contract of marriage, between his majesty and the Duke of Monmouth's mother? To which Sir Gilbert Gerard, having taken his oath upon the Holy Evangelist, made answer, ' That he had never seen any such writing, nor was there ever any such committed to his custody, nor did he know of any such thing.' Whereunto he also subscribed his name.

" After which, his majesty declaring he resolved to use all means possible to find out the authors of this report, required all the lords of the council, and the judges there present, to give an account whether they had heard any discourses relating to the said, or any like matter. To which they all answered, they had heard of nothing concerning it but a flying and imperfect rumour of late discoursed. One of the lords of the council only acquainted his majesty, that a gentleman had told him of some particular discourse he had lately heard of that matter.

" His majesty, thereupon, commanded Mr Secretary Jenkins to examine the said gentleman, or any other who should be named by him, in order to trace the said false report up to the first authors and inventors of it."

No more remains to be said by way of introduction to this remarkable piece, but this: That, after the discovery of the Rye-House Plot, a [1] paper was found in the custody of Mr Charlton, one of the persons deepest concerned in the cabals of those times, which appears to be a printer's bill, and in which there are two articles for the charges of two impressions of the Black Box, as it is there called; and that, by the mention therein also made of Ferguson's name, it is reasonable to think that the said piece was the composition of that famous incendiary.

Thus far the former editor; to which it may be added, that Ferguson, a desperate and flagitious incendiary, who seemed to love plots for the very pleasure his dark spirit found in agitating and stormy intrigues, was at this time the manager of a private printing press, which teemed with the productions best calculated to inflame the public mind. In more than one of these he endeavours to establish the Duke of Monmouth's claim to the crown, though less upon a legal than a popular basis. The Appeal from the City to the Country, speaking of the succession, has these remarkable expressions: " No man is fitter than his grace the Duke of Monmouth, as well for quality, courage, and conduct, as for that his life and fortune stand in the same bottom with yours. He will stand by you, and therefore you ought to stand by him. And remember the old rule, *He that has the worst title will ever make the best king*, as being constrained by gracious government to supply what he wants in title, that, instead of God and my Right, his motto may be, God and my People." And in the same piece he quotes historical example for the choice he recommends, by stating the election of the Macedonians after the death of Alexander, as devolving upon " King Philip's illegitimate son Aredæus; who, notwithstanding that he was a man but of reasonable parts himself, might, as they thought, perform the office well enough by the help of his wise protector Perdiccas." In a fugitive duodecimo tract, which appears to have come from the same press, entitled The Perplexed Prince, the marriage between Charles and Lucy Waters, Walters, or Barlow, is distinctly asserted under the thin disguise of assumed names and a romantic narrative. It must not be forgotten, that it was by the

[1] See the Appendix to Bishop Sprat's History of this translation.

mischievous recommendation and persuasions of Ferguson, that the unfortunate Duke of Monmouth assumed the title of *king* during his ill-fated insurrection. Had the Prince of Orange been equally precipitate, it may be well doubted if he would ever have held the title of William III.

My Lord,

You are pleased to command me to give you some account of the foundation of that report which hath arrived with you concerning a black box, and withal to let you know how Sir Gilbert Gerard acquitted himself at his appearance before the king and council, in reference to that affair. As to the first, I must crave leave to distinguish betwixt what is material in that business, and what is meerely circumstantial, and serveth only by way of parade. Your lordship, whose conversation hath given you great advantages of knowing the reports of the world in relation to the king's marriage with the Duke of Monmouth's mother, can easily recollect that there was never so much as a suggestion given out, till of late, of any such thing as a black box; nor of a writing importing a contract consigned by the late Lord of Durham, (Dr John Cosen,) to the custody of Sir Gilbert Gerard. And had there been any thing of that consequence committed to and entrusted with him, he is both a person of that honour and courage as to have dared to have owned and justified it, and a gentleman of that discretion and wisdom, that he would ere this have acquainted the parliament with it, to whom both the cognizance and decision of a matter of so grand importance do properly belong; but in truth, the whole referring to the black box is a mere romance, purposely invented to sham and ridicule the business of the marriage, which indeed hath no relation to it. For they who judged it conducible to their present interest to have the Duke of Monmouth's title to the crown not only discredited, but exposed, thought it necessary, instead of nakedly enquiring whether he be the king's legitimate or only natural son, to bring upon the stage a circumstance no way annexed with it, supposing that this being found a fable, the marriage itself, of the king with the duke's mother, would have undergone the same censure. But by what I do perceive they were mistaken in their measures, seeing most men know how to separate what they endeavoured so artificially to have interwoven: and all that I can apprehend they are like to get by it, is the raising a devil they will not easily lay.

For, my lord, it is in the first place apparent, that the starting of this business is to be wholly ascribed to the Duke of York, and those under whose conduct he regulates himself and his concerns. Had any others been the first movers in it, you may be sure they would never have ventured it before the council as it is now influenced and moulded, but they would have waited till the sitting of the parliament, where they might expect nothing but impartiality and justice.

In the second place, the very intimation that any, beside the Duke of York, doth so much as pretend a title to the crown, will operate with many to a belief that it is not without reason that he doth so. For the only way to undeceive men in a matter of vain and groundless credulity, is to neglect and despise them; whereas all endeavours to convince them do but contribute to the strengthening them in their faith. What will the people say? But that if the Duke of Monmouth was not the legitimate heir, would the papists, by whose inspirations the Duke of York governs himself, so effectually bestir themselves as to desire that an affair of so vast importance, and wherein the whole kingdom is concerned, should be judged of by twenty or thirty persons, who have neither legislative nor judicial power?

And in the third place, should they compass all that they can propose to themselves from the board, yet it would no way advantage the Duke of York, nor give the least prejudice to the Duke of Monmouth, providing his claim be just, and can be evidenced

to be so, before the great representatives of the nation. For, beyond all peradventure, these things, howsoever resolved upon and determined at the council, will be called over again by the parliament: nor will the opinion of the table balance that great and wise body to judge otherwise, than as their consciences, upon a hearing of the whole matter, shall oblige them. And of what little significancy the resolves of the council, though stamped and enforced with the authority of a king, are to the imposing a supreme ruler upon the nation when a legal claim lies in opposition, we are sufficiently instructed by the instance of Jane Gray; though a lady of those endowments, which few of either sex ever paralleled, and recommended at that time to the nation by many inducements and motives.

In the fourth place, the method of managing this affair gives us more surprize than all the rest, and seems wholly calculated to intricate matters, rather than clear them. For your lordship, and all others who are masters of that sense which you possess, would be ready to conceive that the main, if not the only thing inquired into, should be, Whether the king was really married unto Madam Walters, and whether the Duke of Monmouth was born in lawful wedlock? But instead of this, all the mighty inquisition hath been, Whether this or that person has heard of a Black Box, or of a contract referring to the king's marriage with that lady, committed to the keeping of Sir Gilbert Gerard. Now what is all this to the reality of the marriage, seeing it might be transacted, as most other marriages are, in *verbis de presenti,* and of which no other proof can be expected besides the testimony of such as were personally present?

Fifthly, The persons whom they have in this whole matter summoned before them and examined, adds to the suspicion and increaseth the astonishment. For people who think congruously to the subject before them, had conceived that the main scrutiny would have been either in reference to the assurances given to the Countess of Weems, concerning the legitimacy of the Duke of Monmouth before she disposed her daughter in marriage to him, or else, that all the examinations relating to this business would have been principally confined to those who were beyond sea with the king, when this marriage is supposed to have happened. But all this seems to have been industriously waved, and in the room of these, a few persons have been brought before, and interrogated by the council, who could never be supposed to have heard otherwise of it, than by way of vulgar tattle. And as I dare boldly affirm that there is no one person, who is accustomed to the fellowship of the town, who has not heard of such a marriage, so it is uncontroulably known that there was, in Oliver's time, a letter intercepted from the king to the said lady, then in the Tower, superscribed, To his wife. Nor is it unknown with what homage the king's party in England, at that time, paid their devotion and testified their obedience to her. For as they addressed her upon the knee, so by that, and many other symbols, they declared they esteemed her for no less than the lawful wife of their king and master.

Sixthly, 'Tis of no[1] great concernment who is the immediate apparent heir in the regal line, if we do but consider that the parliament of England hath often provided a successor to the government, when the interest of the public hath required it, without the least regard to such punctilios. They who preferred William Rufus and Henry the First to Robert, though eldest son of William the Conqueror, what can they not do when weighty reasons and causes influence them unto it? And they who advanced Stephen before Maud, and John before his eldest brother's son, can they not, when the safety of the kingdom requireth it, put the sceptre into whose hands they please? Nor

[1] Here our author not only falls into an inconsistency, but in a manner gives up his cause: for, had he been convinced that the Duke of Monmouth had a good title, he would scarce have contended for a parliamentary adoption; and, in affecting to consider a birth-right-claim as a mere punctilio, he forgets that he had before represented it as an affair of so vast importance, that the whole kingdom was concerned in the decision of it.

hath bastardy itself been an obstruction to the conferring of the crown upon a person, provided all things else have corresponded with the desires and humours of the people. For not only Athelstan, the great Saxon king, was such, but Queen Mary or Queen Elizabeth must be so blazoned; and yet all three were exalted to the regal throne: and two of them not only approved themselves worthy of the trust reposed in them, but have consigned down that stock of fame and credit, which, few attaining unto, hath left a reproach upon most princes who have succeeded them. Even Henry the Seventh, (from whom our king derives his title and right of succession,) sprung from a bastard, who had nothing to render him capable to convey a claim to his posterity, but that he was made legitimate by parliament.

Seventhly, The council had done a thing grateful to the nation, and consonant to their oaths and duty, if, instead of attempting to establish the Duke of York as heir-apparent, they had examined whether, notwithstanding his affinity to the king, he hath not, by manifold treasons against the person of his majesty, as well as against the government, forfeited his life to justice, and made himself obnoxious to a scaffold while he is pretending to a throne. He is yet a subject, and accountable for the breach of the laws; and why his crimes should find shelter in his greatness I know not. 'Tis in vain to pretend to the right of succession, when his treasons were a self-deposition, were he actually regnant. Whosoever conspires against any one part of the constitution, forfeits all he can claim by any other branch of it. To be accessary to a plot for the destruction of the people, is to abdicate himself from all legal pretences of reigning over them. Now the being seduced, and seducing so many of his majesty's subjects from the established religion to that of popery, is treason by two statutes, viz. Eliz. 22. 1. Jam. 3, 4. And for which, (say the words of the stat.) they shall forfeit as in cases of high treason, as the late proclamation by king and council hath also significantly declared. The countenancing the burning of London, the endeavouring to alter the limited monarchy into a despotic rule, and the combining with the papists in all the parts of the late plot, make him liable to the ax, while he is aspiring to a sceptre.

Eighthly, A more unaccountable thing yet than all the former is, to see the king so far concern himself in having the succession declared and determined. For it is not usual to find a prince appear in favour of a brother, when so many are in a belief that he hath a legitimate son of his own. Many kings have endeavoured the advancement of their bastard children to the exclusion of their nearest relations of the right blood: only Charles the Second will be the first on the file of history, that, when nothing but his bare word was needful to the settling his dominions on his son as legitimately born, he alone, and in the face of strong suspicions to the contrary, would insinuate him to be only his natural son, and for no other reason, but that he would gratify his greatest enemies. I am sure we read of few kings that ever gave any great countenance to their brethren, when they were their presumptive heirs, though in the mean time they would not deprive them of their legal rights, providing they came to out-live them. Yea, there are not many ages past, since the heir-apparent's [Prince Henry] being only attended by a greater train than the king, then reigning over these kingdoms, used to be accompanied with, is thought to have given that jealousy to the father, as cost the young gentleman his life. Surely, considering the present posture of affairs, and the obnoxiousness of the papists to the law, for their many and continued conspiracies against his majesty's person, the lives of the people, the protestant religion, and the peace and safety of the government, it were the king and kingdom's interest to have the duke of York's title (as to his succeeding to the crown) to be left undetermined and doubtful. Nor can any thing so effectually conduce both to the king's own security and that of his protestant subjects, as to leave the Duke of York under a belief, that should the king be taken away, there is one still behind that can dispute the crown with him. Nor can the Duke of York's pursuing the having the right of suc-

cession at this time settled, intimate less to considering persons, but that the papists entertain new designs against his majesty's life, and that they only want such a declaration for the hastening of the execution of them. Your lordship knows, that Queen Elizabeth would never positively name her successor, though often importuned by parliaments so to do; for she very well understood, that if this had been once done, she should afterwards reign only by his courtesy, and owe the remain of her life, and the peace of the government, to his grace and favour whom she had published for presumptive heir. And truly, the king's falling so immediately ill, after the Duke of York had so earnestly solicited for a formal declaration of his being next heir to the crown, occasioned some men's grounds of fear, that his dispatch is not only resolved, but the springs and causes of it disposed before, and that all things being ripe, this was merely contrived to facilitate the duke's entrance upon the government.

In brief, matters are arrived at that pass, that the papists cannot suffer the king to continue, and the duke and they long escape the demerit of their actions. For, as his majesty cannot subsist nor preserve the reputation of his crown and government many months longer without a parliament, no more can they, through the number, quality, and palpableness of their crimes, bear one, so that the necessity of their affairs, as well as their inclinations, seconded by their principles, oblige them, by one means or another, to remove him: wherein if they succeed, as I see no rational foundation of judging but that they will, there is nothing remains towards the preserving our religion, lives, and liberties, but to endeavour, according to the vote and resolve of the last parliament, to revenge his death upon the papists. It is true the king would not be prevailed upon by any importunities (though frequently made by the duke at the board on Wednesday last) to order a council-table declaration in favour of York's right to succeed, in case his majesty should die before him, yet the business would appear to be so far gone, and all things so disposed already in prospect of what they intend, that they cannot, without hazarding their whole concernments, recall themselves from the purpose of murdering him. Yea, the king's not gratifying the duke in his so often repeated suit, will now serve only to possess them with apprehensions of jealousy, and make them accelerate rather than delay the wickedness. It is possible they may foresee, that it will be accompanied with greater hazards than it would have been, could they have compassed that business. But they are gone past retreat, and must either perish by the sword of justice, or seek to protect themselves by destroying the king. And though this failure give them greater apprehensions that they must seek their safety by recourse to force, than there would have been cause for, had the duke obtained such a declaration, yet men, in their circumstances, and where there is no medium, will chuse rather to venture the being slain in the field, than hanged on a gibbet, or to have their heads cut off upon a block.

Ninthly, As I know not who dare proclaim the Duke of York, should the king depart this life before him, seeing the House of Commons, in a bill, twice read and past, have made it not only capital but treasonable to do it; so, if my information do not greatly deceive me, the Duke of Monmouth, before he was taken from his mother in Holland, and carried to Paris, went for, and was acknowledged as Prince of Wales: and consequently, to undermine this title, if in the issue he should prove so, is not less than treason by the statute. And your honour knows, that though the king's affirmative might be of some significancy towards the declaration of his legitimacy, and corroboration of his right to the imperial crown of these realms, yet his negative imports just nothing, when confronted with positive evidence to the contrary.

Lastly, Whereas the partisans and parasites of the Duke of York would have it judged too great a reproach upon the king, that ever he should be thought to have married a person of so low a quality as Madam Walters, they do but in that discover at once their small acquaintance with history, and either their want of memory or ingenuity in what concerns his royal highness. Your lordship doth very well know, that Ed-

ward IV. though actually in the throne, and withal a magnanimous and victorious prince, yet he married an ordinary gentlewoman, and she not only one of his own subjects, but the relict of a former husband, and the widow of an enemy to his crown and family. Whereas the king, when supposed to have married the Duke of Monmouth's mother, was actually in exile, the utmost of his possessions lying in some faint hopes which his right to the English throne administered unto him: and as it is not improbable, but that he found it necessary to marry rather than, by taking another course, to alienate the minds of those further from him, whose love it was his interest to recover, so the deplorableness of his condition at that time gave him small encouragement to demand in marriage any that was the daughter of a neighbouring king or monarch. Nor is it difficult to conceive how far the wit, beauty, and air of such a lady as Madam Walters was might prevail upon and entangle a young prince, both naturally amorous and always an admirer of such qualifications. Nay, my lord, though the Duke of York hath been twice married, and when in much better circumstances than the king then was, yet he hath no great cause of bearing himself upon the antiquity or greatness of the families into which he hath matched: For I am sure neither of his duchesses derived their descent from so eminent a pedigree, or of that figure of heraldry, as the Duke of Monmouth's mother proceeded from. They are great strangers in England, who do not know that her father was a gentleman of an old British lineage, and stood possessed of a much fairer estate than the late Lord Chancellor Hyde was ever born unto: And though I will cast no reflection upon his acquisitions, yet this may be affirmed with modesty, that he was more indebted to the favour of his prince for them, than any extraordinary merit in himself, or recommendation by the dignity and services of his ancestors. And one would think the returns he made unto his majesty, in more than a thousand instances, should not render the king very fond of transmitting the crown to his offspring.

My lord, having endeavoured to obey you in one of your commands, I shall, in the next place, apply myself to the consideration of your second. And, to ease your lordship of all unnecessary and superfluous trouble, I shall not entertain you with any long character of Sir Gilbert Gerard, as presuming, that that gentleman is fully known unto you. All I shall therefore say concerning him is, that he is still the same, and of the same principles he was when he suffered so much for the king in the late times; that is, he is a loyal subject, a good protestant, and a true Englishman; one who will obey his prince as far as conscience, law, and honour will allow him, but will sacrifice none of these, neither upon mercenary terms, nor to avoid impendent dangers. And as it were happy for the king were all his subjects of that figure, so it would greatly redound to the honour of the church of England, to have all her members of that complexion and temper. Nor ought his being put out of the commission of the peace be construed as any reflection upon him, seeing he hath so many worthy and deserving persons, in all the counties of England, sharers with him in the same fortune. What the occasion of that treatment was, your lordship fully understands, though you were no way interested in the affair; and it is to be hoped that the king may in time discover the perniciousness of those counsels, which both prevented his hearkening to the humble entreaties of many of his people, and have influenced him to disoblige a great number of his best subjects. I am sure, both his majesty and the kingdom do already sensibly suffer by it, while the gentlemen themselves are only discharged from a burthen. There may possibly be some mean souls, who covet being in the commission, to obtain a respect in their country, or to make a gain by their office and employment, but Sir Gilbert, with those other gentlemen who are in the same predicament with him, are persons, who, in their greatest privacies, can command a deference from all about them, and whom G d hath blessed both with estates and minds which exalt them above the temptations of fees for warrants, or gratuities for connivance at the breach of his majesty's laws.

But, my lord, that I may give you the better history of this transaction, or rather farce, concerning Sir Gilbert Gerard's appearing before the council, you may be pleased to know, that he was sent for by a letter under the hand of my Lord Sunderland, requiring him to come immediately up. And because a missive by the post might have too much preserved the privilege of a member of parliament, and intimated too great a respect to a gentleman whose brother had lost his life, for owning his majesty's interest under Oliver Cromwell, and himself undergone costly and severe imprisonments, there was a creature stiled a gentleman-usher ordered to carry the letter, and to bring him to Whitehall.

Now though Sir Gilbert was hardly recovered from a fit of the stone, and remained confined by weakness to his chamber, when these blades arrived at his house, yet he immediately complied with the message, and addressed himself to his journey with all the expedition he could; thereby testifying at once his obedience to his majesty, and the security he enjoyed in his own mind, as to his innocency, though he knew not what he was sent for. Being come to the court, instead of meeting with my Lord Sunderland, there was an order left for the conducting him to Mr Coventry, who was then the other secretary of state, though he hath since resigned to Sir Lionel Jenkins. But whereas every rational man would have apprehended, that a parliament-man being seized and brought so far a prisoner, within the time of privilege, could have been questioned concerning nothing less than a plot to assassinate the king, or a conspiracy of levying war against the government, yet all he was interrogated about was, if the late Lord of Durham had at any time entrusted him with a black box, containing a contract of marriage between the king and the Duke of Monmouth's mother? or whether he had seen any such contract? You may easily apprehend, that he was not a little surprised, after all the fatigue and expence they had put him unto, to find himself examined in relation to so ridiculous and romantic a story. However, being obliged to make a civil answer, he told the secretary that he was neither entrusted with such a box, nor had so much as heard of such a contract. Which reply of Sir Gilbert's being recorded in writing, Mr Coventry was pleased to tell him, (by what warranty we may possibly know some other time,) that he was obliged both to subscribe it and to ratify it by an oath. Sir Gilbert, being more amazed than before, replied, that as he little imagined that he had been sent for upon a business of that nature, seeing he knew no reason why his name should be interested in it, so he would neither set his hand to the answer he had given, nor take his oath to confirm it. And indeed he had reason for what he said; for how could he know but that this might be a leading question to something else. For whosoever had invented that fabulous story, might, with as much truth, and with more sense, have charged him with some criminal matter. Accordingly, instead of contesting it farther with Mr Coventry, he only asked, whether he was sent for thither and taken into custody as a criminal? To which the secretary is reported to have returned, that he had no other directions than to ask him the foregoing question, which he endeavoured, by many arguments, to have obtained his reply unto, under oath. But Sir Gilbert wholly declining to swear, and representing that he had come a long and tedious journey, whereof he was weary, desired to know how he should be disposed of. Whereupon he was told, that he might go to his lodgings, provided he would promise to attend the king and council the Monday following. Where having at the time made his appearance, he was called in, after that the judges had been there a quarter of an hour before him; and then his majesty was pleased to tell him, that he was not sent for thither to be charged with any crime, but only to make oath, whether the late Bishop of Durham had not consigned to him a black box, wherein was contained a contract of marriage betwixt his majesty and the Duke of Monmouth's mother. To which having replied as before, and withal excused himself from taking any oath in such cases wherein the law had not prescribed, there

were many arguments used to persuade him, and long harangues representing the mischievous consequences which a doubtful title might occasion. But he insisting upon the rights of an Englishman, namely, that he ought not to be required to swear, but in such cases as the law did appoint, all the judges, and, in conjunction with them, my lord chancellor, gave their opinion, that he was obliged by the law to take his oath in a matter of this great moment, which threatened the nation with no less than what fell out between the houses of York and Lancaster. Upon which he accordingly did, to the purport already intimated, viz. That he knew of no such thing as a black box, nor any thing relating to such a contract of marriage as he was then interrogated about. Now, my lord, I know not how a gentleman could have carried it with more true courage and honour than Sir Gilbert did. For as the opinion of the judges were to overrule him as to what was law, so only a parliament is capable of judging whether they acted consonantly to their duty. And till that happy hour come, I commend your lordship to the divine protection, and am,

My lord,

London, May 15, 1680.

Your most humble servant.

A Letter to a Person of Honour concerning the King's disavowing the having been married to the Duke of Monmouth's Mother.

" This is apparently another arrow from the same quiver which furnished the last, therefore ought to accompany it; and all that is farther necessary by way of introduction, is to insert his majesty's Declarations, which were published in the Gazette, June 10, 1680, in the following words:

Whitehall, June 8.

" This day was published his majesty's Declaration, which follows:

" CHARLES REX.

" We cannot but take notice of the great industry and malice wherewith some men of a seditious and restless spirit do spread abroad a most false and scandalous report of a marriage, or contract of marriage, supposed to be had and made between us and one Mrs Walters, *alias* Barlow, now deceased, mother of the present Duke of Monmouth, aiming thereby to fill the minds of our loving subjects with doubts and fears; and, if possible, to divide them into parties and factions, and, as much as in them lies, to bring into question the clear undoubted right of our true and lawful heirs and successors to the crown: We have therefore thought ourself obliged to let our loving subjects see what steps we, (out of our care of them and their posterity,) have already made, in order to obviate the ill consequences that so dangerous and malicious a report may have, in future times, upon the peace of our kingdoms.

" In January last was twelvemonth, we made a declaration, written with our own hand, in these words following:

" There being a false and malicious report industriously spread abroad, by some who are neither friends to me or the Duke of Monmouth, as if I should have been either contracted or married to his mother; and though I am most confident that this idle story cannot have any effect in this age, yet I thought it my duty, in relation to the true succession of this crown, and that future ages may not have any pretence to give disturbance upon that score, or any other of this nature, to declare, as I do here declare in the presence of Almighty God, that I never was mar-

ried, nor gave any contract to any woman whatsoever, but to my wife Queen Catherine, to whom I am now married. In witness whereof, I set my hand, at Whitehall the 6th of January, 1679.

CHARLES REX.

And this declaration I made in the presence of

W. Cant.	H. Coventry.
H. Finch, C.	J. Williamson.

" To strengthen which declaration, we did, in March following, (which was March last was twelvemonth), make a more public declaration in our privy council, written likewise with our own hand; and, having caused a true transcript thereof to be entered in our council-books, we signed it, and caused the lords of our privy council then attending us in council to subscribe the same likewise, and we ordered the original to be kept in the council chest, where it now remains. The entry whereof in the council book is in these words following:

At the Court of Whitehall, March 3d, 1679.

Present,

The King's most excellent Majesty,

Lord Chancellor,	Earl of Essex,
Lord Treasurer,	Earl of Bath,
Duke of Lauderdale,	Earl of Craven,
Marquis of Worcester,	Earl of Aylesbury,
Earl of Ossory,	Lord Bishop of London,
Lord Chamberlain,	Lord Bishop of Durham,
Earl of Sunderland,	Lord Maynard,
Earl of Clarendon,	Mr Vice Chamberlain.

" His majesty was this day pleased to command that the declaration hereafter following be entered in the council-book, it being all written and signed by his majesty's own hand, in a paper which his majesty this day delivered at the board, to be kept in the council-chest, viz :

" For the avoiding of any dispute which may happen in time to come concerning the succession of the crown, I do here declare, in the presence of Almighty God, that I never gave nor made any contract of marriage, nor was married to any woman whatsoever, but to my present wife Queen Catherine, now living. Whitehall, the third day of March, 1679.

CHARLES R.

" His majesty commanded us, who were present at the making and signing of this declaration, to attest the same,

Finch, C.	Essex,
Danby,	Bath,
Lauderdale,	Craven,
Worcester,	Aylesbury,
Ossory,	H. London,
Arlington,	N. Durham,
Sunderland,	W. Maynard,
Clarendon,	G. Carteret.

" In April last we found the same rumour not only revived again, but also improved with new additions, to wit, It was given out that there was a writing yet extant, and lately produced before several persons, whereby the said marriage, or a contract at least, (for the report was various,) would appear, and that there are several lords and others yet living who were pretended to have been present at the said marriage. We knew full well, that it was impossible that any thing of this should be true, (there being nothing more groundless and false than that there was any such marriage or contract between us and the said Mrs Walters, alias Barlow,) yet we proceeded to call before us, and caused to be interrogated in council, such lords and other persons as the common rumour did surmise to have been present at the pretended marriage, or to know something of it, or of the said writing. And though it appeared to all our council, upon the hearing of the said lords and other persons severally interrogated, and upon their denying to have been present at any such marriage, or to know any thing of it, or of any such writing, that the raising and spreading of such report, so incoherent in the several parts of it, was the effect of deep malice in some few, and of loose and idle discourse in others; yet we think it requisite at this time, to make our declarations above recited more public, and to order the same (as we do hereby with the advice of our privy-council) to be forthwith printed and published. And we do again, upon this occasion, call Almighty God to witness, and declare upon the faith of a christian, and the word of a king, that there was never any marriage, or contract of marriage, had

or made between us and the said Mrs Walters, alias Barlow, the Duke of Monmouth's mother, nor between us and any woman whatsoever, our royal consort Queen Catherine, that now is, only excepted.

" And we do hereby strictly require and command all our subjects whatsoever, that they presume not to utter or publish any thing contrary to the tenor of this our declaration, at their peril, and upon pain of being proceeded against according to the utmost severity and rigour of the law.

" Given at our court at Whitehall, the second day of June, in the two and thirtieth year of our reign."

" Now it is natural to think that these several declarations were made public in contradiction to that assertion in the preceding letter, That the king could not be prevailed upon by any importunities to order a council-table declaration in favour of the Duke of York's right, &c. And yet we find a certain anonymous writer accounting for the said publication in a different manner. His words are these : " This declaration, (meaning that of March 3,) attested by sixteen privy-counsellors, was entered in the council-books, and copies of it quickly got abroad ; and as it came to Dr Tillotson's hand sooner, we may be sure, than most men's, so he had the ingenuity to note it for an equivocal declaration, as if the king, contrary to the punctation of it and the common usage of English speech, had meant it in this sense : ' I do hereby declare, in the presence of Almighty God, that I never made, nor gave any contract of marriage, nor was married to any woman whatsoever, *now living*, but to my present wife Queen Catherine.' I had this story from one whom I shall name if called upon for it, to whom he made this observation ; and though I never mentioned it to any person till very lately, yet the observation was whispered about, and coming to the king's ears, with other additional rumours, he set out a declaration, June 8, &c., which put an end to this calumny."

Ralph observes with great truth, " that while these impurities sully the truth of history," they shew " the vanity of attempting to gag the press, since, even upon an affair of such delicacy and importance, and while it laboured under the tyranny of a licenser, neither menaces nor punishment were able to subdue the lust of scandal and dissention, from propagating the most extraordinary legends."

Shaftesbury, who was probably at the bottom of this report, had, perhaps, a deeper design than merely to amuse the people by a specious legend. The report of Monmouth's legitimacy was probably designed to sound the inclinations of the king, who was known to be doatingly fond of him, and might perhaps have considered the succession being settled upon him as a boon for the exclusion of the Duke of York. Sir John Reresby seems to have had some suspicions to the same effect, for he takes credit in his Memoirs for having been the first who informed the Duke of York of a scheme, formed by certain persons, to prove a marriage between Charles and the Duke of Monmouth's mother, and as having pointed out the means of defeating it. Certain it is, that when the matter received discountenance from the king, it was finally dropped; nor did any of the duke's party ever venture to stir it in parliament, even when they were strongest.

My Lord,

As you cannot but have seen his majesty's declaration, wherein he renounceth the having been married to the Duke of Monmouth's mother, so I believe you will not be displeased to have an account of the sense of the thinking men about the town concerning it ; and this, without either disguising or concealing what is publicly discoursed, I shall, as becomes your lordship's servant, address myself to give you.

And, in the first place, they say it is no surprize to them, that, seeing the Duke of York hath gotten the ascendant of the king, he should hector him into, or at least extort from him, the aforesaid declaration. For can any imagine that he, who, for some time, renounced his own wife, and had provided persons to swear a familiarity with her, which made her unworthy of being Duchess of York, should scruple to importune the king to do as much by Mrs Walters, though it were never so demonstrable that he was married unto her. The course he practised himself, he may, without any breach of charity, be thought ready to prescribe to others. And it may be, he thinks it will be some extenuation of what he did himself, if people can be brought to believe that it is

a disease natural to the family, and which runs in a blood. Now we all know, not only with what asseverations the duke disclaimed his marriage with Mrs Hyde, but with what reflections upon her chastity he did it: and yet the proofs of the said marriage were so evident, that he was necessitated at last to acknowledge it, and to own her for his wife, after he had by himself, and many others, proclaimed her for no better than a common whore. And I am sure it left this impression upon most persons, that his faith to men was not very far to be relied on, seeing he made so slight of that faith which he had plighted in an ordinance of God to a harmless lady.

Secondly, Most men do observe this difference between the king's renouncing Mrs Walters and the duke's disclaiming Mrs Hyde, that what the duke did was an act of inclination and choice; whereas it is apparent, that what the king hath done is the result of dread and fear. For, to use his majesty's own expression not long ago, He was harassed out of his life by the importunity of his brother; and as he added, He could rather chuse to die than live so uneasily as he did, while he withstood their daily solicitations in this matter. And as nothing made the duke honest to Mrs Hyde but the interposition of his majesty's authority, from a sense of the justness of the lady's complaint, so they believe the king is only injurious through the influence of others, and that, when rescued out of ill hands and left to himself, he will return to be just. For though his majesty be a prince of that clearness of understanding, that they cannot baffle him by false reasonings, yet he hath so much of James's timidness, that they can huff and over-awe him to things most opposite to his judgment, as well as cross to his interest. And let me, upon this occasion, remind your lordship of a story of a Scots nobleman to my Lord Burleigh, upon that wise stateman's desiring a character of King James, long before he ascended the English throne. "If your lordship," said the blunt Scotsman, "know a jack-a-napes, you cannot but understand, that if I have him in my hands I can make him bite you, whereas if you get him into your hands you may make him bite me."

Thirdly, The whole town is apprehensive that the king, though endeavouring by this act to secure himself in the grace, at least forbearance, of the duke and popish party, will find in the issue, that instead thereof he hath left himself naked and exposed to their wrath and malice. Nor is there any thing more probable than that what the king calls and intends only for a declaration to serve his present occasions, they will transform into his last will and testament to accommodate theirs If Queen Elizabeth, when tempted to declare her successor, declined it with this saying, That such an act would be the digging her grave before she were dead, have we not great cause to apprehend that the king having, by this act, digged his own grave, his brother, or the jesuits, under whose government he is, will find hands to bring and put him into it, lest, through delay, something should intervene that would fill it up again? 'Tis a pity that none would call to his majesty's memory that saying of Tacitus, *Suspectus semper invisusque Dominanti qui proximus destinatur;* which, by varying a little from the Latin, I will English thus: That he ought to be always suspected, and carefully watched against, by the ruler, who most ardently hopes and thinks himself in likelihood to succeed him. Statesmen in old times reckoned it for a maxim in politics, that *Ne mentio fieret Hæredi vivo adhuc principe,* That while the prince liveth there ought not to be so much as a mentioning of any whose right it was to come after. For as subtle Tiberius upbraided Macro, that he forsook the setting sun to worship the rising, so King Charles may have in time, if he has not already, cause to object the same to some about him. That crafty emperor knew more of the art of self-preservation, than crowned heads in our days seem to do. For though he had adopted Germanicus, at the command of Augustus, of whom he received the empire, yet having a son of his own, namely Drusus, he would never declare in favour of either so long as they lived; but judged his own safety to consist in leaving it doubtful whose title to the universal mo-

narchy was best. However, (say most of his majesty's subjects,) though we have not been able to prevent the king from this unwary act, by which he hath staked his life to the pleasure of his enemies, yet we will be kinder to him than he hath been to himself, and contribute all we can to his security; and that is, by letting the world know that we will revenge his death, by sacrificing the whole popish party upon his grave, in case he should come to an untimely end.

Fourthly, This declaration would be received with less hesitation in the minds of the people, if kings and princes were not made of the same mould with other men, and liable to the like failures and moral prevarications that the rest of the sons of Adam are. And therefore, observing how common it is for persons, upon a lower ground, to renounce their wives, and most sacredly disclaim their marriages, they conceive it is not impossible, but that those who move in higher spheres may, upon strong temptations, do the like. Yea, our own history furnisheth us with an instance of a great king, and one who swayed the English scepter, who is transmitted to us with this blot in his escutcheon: the person I mean is Edward IV., who, being a sprightly and amorous prince, was suddenly contracted and married to Eleanor Talbot, daughter of the Earl of Shrewsbury; and that not only without any witnesses, save Dr Thomas Stillington, Bishop of Bath, into whose hands the contract was made, and who officiated at and celebrated the marriage, but besides the poor doctor was strictly enjoined by the king to conceal it; and you may easily suppose the timorous prelate would not fail in his duty to majesty, at least so long as he knew the king in a condition to punish and avenge the discovery. Now Edward IV. finding thereupon admission into the embraces of the lady, and having satiated himself a while by secret enjoyments, and withal, reckoning that none could, or at least durst, detect by what holy ties he was bound unto her, he did, some years after, (notwithstanding the person to whom he was affianced still survived,) both deny what was so solemnly transacted in the presence of Almighty God between them, and withal married another woman, namely, my Lady Elizabeth Gray. Your lordship may see the story both in Buck's Life of Richard III. page 16, &c. and in Comine's History of Lewis XI. And, without making any application of it to the present case, I shall crave liberty to make these remarks upon it:

1. That it is possible for princes, especially such as have accompanied with many women, to have weak memories, and to forget upon what terms they contracted their first friendships with them. For, finding how their familiarity arose with others of that sex, they may grow by degrees into a kind of persuasion, that their interest in all was established upon no better terms. Or, if they should not be supposed so forgetful as this amounts unto, yet the love of change may make them stifle their knowledge, especially when the objects of their fresh amours cannot be otherwise brought to entertain their flame, but with a provision for their own honour.

2. That the denials of kings are not to be subscribed unto with an implicit faith; but that we ought to use the same discretion in believing, or not believing, what they say, that we esteem ourselves privileged to use towards others in the credit which they require we should give unto them. For though princes be not liable to be impleaded in our courts, nor be subject to penalties that transgressing subjects are, yet, seeing they may be guilty of the same facts, which would both leave a reproach upon common men, and make them obnoxious to punishments, it cannot rationally be expected that their bare words should restrain the freedom of our thoughts, or give law to our understandings in the judgment that we are to make of cases and things.

3. I would observe, that though the judicial courts could not, and the parliaments during Edward's reign would not, take cognizance of that king's contemning and violating the ordinance of God, by disclaiming his lawful wife, yet the righteous Judge of heaven and earth in a little while after animadverted severely on the offence. For not only his two sons, whom he had by Lady Gray, were murdered by their uncle, but

the kingdom was translated from his family, and not only bestowed upon the chiefest enemy of his house, but upon one who, among all that for a long series before had been rivals for the crown, had the weakest title.

4. It is not unworthy also of our notice, that notwithstanding King Edward's denying his first marriage, and assuming another lady unto his conjugal bed, yet all this could neither prevent the future enquiry into this matter, nor the parliament's recognizing the marriage with Eleanor Talbot, 1 of Richard III. And, besides the imputation of bigamist, which is thereby stampt upon him to all ages, his children, by the second venture, were bastardised by statute, and an occasion from thence taken to place the sceptre in the hand of Richard.

5. Nothing in this declaration can preclude the Duke of Monmouth, or any other true Englishman, from enquiring (when time serveth) by legal and due ways, into the truth or falsehood of the king's marriage with Mrs Walters. For the duke cannot be denied the same right which appertains to every person in the kingdom, namely, the justifying his own legitimacy in due course and form. And should he chuse to sit down with the imputation of a bastard, with all the other losses which attend it, yet there are those in the nation, who, preferring their duty to God, their country, themselves, and an injured gentleman, before a reverence to one man, especially acting under the influence of a popish brother, will bring that whole business into an impartial examination before such, where a single negative will not be allowed as a sufficient proof to invalidate affirmative testimonies, provided such can be had. And should that marriage hereafter be authentically proved, how ill will they be found to have deserved, both of the king and kingdom, that have either surprized, cajoled, or threatened his majesty to bring such a slur upon his honour and reputation, as this declaration will to all ages entail? And, my lord, is it not strange, if there was never any such marriage, that Mrs Walters should not only when in travail with the said duke, but at many other times, particularly in her last hours, when in the prospect of approaching death, and ensuing judgment, affirm it with that positiveness which she did? And is it not more surprizing, if there had been no such marriage, that Dr Fuller, late Bishop of Lincoln, should so often, and in *verbo sacerdotis*, declare to diverse worthy persons, that he married them? Nay, what should bias the innkeeper at Liege to make it the great mystery with which he entertained his English guests, that the marriage was celebrated and consummated in his house, and that both he and his wife were eye and ear-witnessess of it? Moreover, if it were such an idle story as the declaration represents it, how came it to pass, that, when some persons, lately examined about the black box, declared that they had heard of such a thing as the king's being married to that gentlewoman, they should be immediately commanded to withdraw, and told, that this was not the business they were interrogated about. Besides, my lord, as all who were abroad with his majesty at that time knew the passion the king had for that person; so some of us can remember, how, through immoderate love to her, being reduced to a condition that his life was despaired of, and the late queen his mother receiving intelligence both of his disease and the cause of it, she consented to his espousing of her, rather than that he should consume and perish in his otherwise unquenchable flames. Moreover, as there were few had better opportunities of being acquainted with this whole affair, than my late Lord Chancellor Hyde, so I am sure the advantages likely to accrue to his offspring by the seclusion of the Duke of Monmouth from all title to the crown, may be judged sufficient inducements to have prevailed with him, if not to have asserted the said duke's bastardy, yet to have been silent in the case, and not to have proclaimed the legitimacy. And yet that very lord, being in danger of an impeachment in parliament, for advising and persuading the king to a marriage with Queen Catherine, excused himself from all sinistrous ends in that affair, by affirming, That his majesty had a lawful son of his own,

by a former marriage (specifying by name the Duke of Monmouth) to succeed to his crown and dignity. Now though it may be supposed that a person may sometimes lye for his interest, yet no man can be thought to do so, in order to the prejudice as well of himself as his whole posterity. And if we believe men speaking falshoods in subserviency to their honour and profit, shall we not give credit to them when they speak truth to their own damage, and that of all those who are dear unto them? Certainly the positive confession and testimony of this one person, being against the interest of his whole family, is of more weight than the denials of any number whatsoever, when meerly to promote their safety and advantage, or to serve the exaltation of the papal cause. These are but few of the many particulars I could acquaint your lordship with, relating to the confirmation of a marriage between the king and Mrs Walters; but it is a piece of necessary wisdom, at this juncture, to know what not to say, as well as to understand what to say. And to tell you plainly, I am more a servant and a friend to my country, than, by pretending to plead the duke's cause, and to be useful to the nation, to discover the witnesses which are in reserve, or betray the farther evidences which are to be produced, when this matter shall come before a competent judicature.

Sixthly, 'Tis matter of no small trouble to such as truly love his majesty, that the king's integrity and honour should be brought to stake, in a matter wherein both the present age and the succeeding may take occasion to question and bring into examination his truth and sincerity. For though it is not impossible but that princes (considering the temptations with which they are surrounded) may sometimes, through inadvertency, and at other times upon state motives, endeavour to impose upon the credulity, if not abuse the faith of their people; yet the veracity of a supreme governor is of that importance to himself, and so necessary to the veneration which his people ought to maintain for him, that he is not to bring his credit to pawn, unless it be in such cases wherein his people may, if not apologize for, yet connive at the indiscretion and weakness of their ruler, should he be found to delude them. Nor hath any thing obstructed the affairs of princes more, and prevented their people's believing them, when they spake their most inward thoughts, than the forfeiture of their credit in matters wherein their subjects relied upon the honour and truth of their word. For they who do not mean as they speak, when people are prepared to hear them, must not expect that their words should be much relied upon, when their tongues are the true interpreters of their minds. And let me tell your lordship, that this last declaration hath caused multitudes of his majesty's best subjects to reflect upon, and take a view of many of his former declarations, that from them they may be furnished with reasons for justifying themselves in the suspension of their assent to this. And I wish there had not been that cause administered by foregoing ones, which may with too many lessen the value of the royal word in that bearing date the second of June.

The first of this kind he ever published, after he came in view of being restored to the sovereignty over these kingdoms, was that dated at Breda, the 4th of April, 1660, wherein he promised liberty to all tender consciences, and engaged the sacred word of a king, That no man should be disquieted, or called in question, for differences in matters of religion, provided they did not disturb the peace of the kingdom. Now though I will not dispute about the sense wherein this declaration was meant, nor concerning the end for which it was calculated and framed, yet this I may be allowed to say, that there are a great many of his majesty's liege people who have tasted dealings directly repugnant unto it, and may justly complain of some failure in the accomplishment of it.

'Tis true, his majesty is not originally to be blamed that it had not the hoped-for effects; but withal, that prince, that can be over-ruled to recede from a promise, which contributed so much to his happy and peaceable restoration, may be supposed capable of such impressions from men of ill minds, as may make him venture his royal word in

other cases, beyond the measures of justice. But seeing it were a business of too much fatigue to call over all the declarations since his majesty actually occupied the British throne, I shall therefore remind your lordship only of two more; whereof the first is that of January the second, 1671, wherein the king, upon shutting up the Exchequer, declares, on the word of a prince, that the restraint put upon payments out of the treasury should continue no longer than till the last of December, 1672, and yet the fulfilling of this is still prorogued, though it be now above nine years since the royal word was pledged for making it good.

The other that I shall refresh your memory with is that of the 20th of April, 1679, wherein his majesty having shrived himself, and craved absolution for all past matters, solemnly declareth, that he would, for time to come, lay aside the use of any single ministry, or private advices, or foreign committees, for the general direction of his affairs; and that he would afterwards govern his kingdoms by the advice of that council which he had then chosen, together with the frequent use of his great council of his parliament, as being the true and ancient constitution of this state and government. Far be it from me to blame his majesty for the disappointment of those hopes which the people had so universally conceived upon that declaration, which was so full of ingenuity and candour, and so adapted to the honour, safety, and interest both of king and kingdom; but this may be said, without the least umbrage of irreverence, that the same pestilent men, who were able to cause his majesty to violate such a declaration, wherein he spake the most like a wise and good prince that ever he did, may be also able, by the same ascendant influence, to wrest an unadvised and bad one from him. The same councils which prevailed upon him to go against both his royal word, and all the maxims of policy, with which he is so richly endowed, may they not likewise be conceived to have over-ruled him in this, to speak against his knowledge, and those moral principles of truth and justice, with which, when left to himself, he appears to be imbued? Nor do I doubt but that, among other things, they had in prospect to compass by this declaration, they hoped to shut his majesty out of the love of his best protestant subjects; so that, when brought to fall by their traiterous conspiracies, his death may be at once unlamented and unrevenged. But let them not flatter themselves, for if there be any thing false or unjust in it, we ascribe it all to their rage against our laws and our religion, and do only complain of the king's facility in suffering himself to be so openly abused.

Seventhly, But whereas there is one thing in the declaration, by which men of honest and easy minds, being unacquainted with the practices of the world, are apt to be somewhat startled; namely, the king's calling Almighty God to witness, and affirming, upon the faith of a christian, that there was never any marriage, or contract of marriage, had or made between him and Mrs Walters, I think myself obliged to lay before you the sense and apprehensions which wisest heads have of that protestation and solemn appeal.

If, say they, neither the eye nor dread of God, nor the faith of a christian, are effectual to restrain a person from adulteries and promiscuous scatterings, can we have any security that they will prevent such a one from the guilt of other crimes? He who neither trembleth nor blusheth to proclaim his uncleannesses to all the world, will he forbear sins of any kind or hue, out of principle, though he may possibly omit them by accident, and in compliance with interest?

It was a maxim of an ancient ruler, that as children are to be cozened with nuts, so men are to be deluded with asseverations and oaths. And upon this occasion they call to mind the character fastened upon Charles the Ninth of France, namely, that the surest symptoms by which it was known when he spake falsely, was the endeavouring to confirm what he said by the most dreadful imprecations and execrable oaths. And what our own historians leave upon the memory of his royal majesty's own grandfather

in this point, I had rather you should learn from Wilson's History of King James, than be told by me. Besides, say others, who knoweth but that the king, through the like impression of fear, under which he lifted up his hand to the most high God, at Scone, when crowned in Scotland, may have been influenced and over-awed to make this late appeal and protestation?

He who hath done one such thing, and especially with that solemnity and profession of sincerity wherewith he took the covenant, can it be otherwise apprehended, but that he may do the like again, if there be sufficient cause for the same passion which biassed him against knowledge and conscience then? Nay, the utmost inducement that swayed and determined him, contrary to his judgment and light, to swear by the great God, in terms so august and awful in Scotland, was meerly an apprehension of being otherwise secluded from his right over that kingdom; but it is more than probable, that no less than a dread of losing his life, as well as three kingdoms, hath necessitated him to this which he hath now done. Now it is but considering the seasons when the several declarations pronounced first in council, and at last published to the world, were made, and you will be soon convinced that they were extorted from him, partly by the necessity of his affairs, and partly by the frightful ascendancy which his brother hath obtained over him. For the first, which we are here in the print told of, was that made the sixth of January, 1678, when the condition and posture wherein things then stood made it indispensably needful that the king should oblige his brother to withdraw, and which the Duke of York (though he knew that his stay here at that time would have, in all likelihood, involved his majesty under inextricable difficulties) refused to comply with, till he had wrested that declaration from him.

And as for the second, which was made also in council, March 3, 1678, it is obvious to every considering man, and demonstrable to all the world, that it was the effect of that necessity which his majesty's affairs had reduced him unto. For the parliament being to meet the sixth of that month, and it appearing, by the several returns of the persons elected to sit, that we were like to have a house of true English gentlemen, who would not only inspect the late popish plot, but enquire into the miscarriages of public ministers: hereupon, as the duke threatened to return, unless the king would make some fresh declaration, whereby, being pronounced and represented as next heir, he might be screened from the angry but just resentments of the nation, so diverse persons at home, who knew themselves unpardonably criminal, applied their thoughts to find out a method, by which a misunderstanding might, in a short time, arise between the king and his parliament: And, apprehending that the Duke of York could not possibly escape the animadversion of the house, all the treasons and crimes whereof others were only guilty in their respective parts and proportions, meeting in him as so many lines in their center; they accordingly, by threatning to make their own compositions, and to lay open all those matters, which they conceived his majesty to be most sollicitous to have concealed, brought the king to make that declaration. Whereby having, in effect, signified the Duke of York to be the next in right to succeed, they reckoned they had wrought him to such an espousal of his brother, as must needs break all measures of fair correspondency with his parliament. And as this was the principal thing they aimed at, so by denouncing still, to provide for their own security, in detecting whatsoever they knew, they kept him to an adhesion to the declaration which he had made, and thereby not only embarrassed all his affairs, but so embroiled him with the house of commons, as that in a few weeks they compassed the dissolution of the parliament.

Having thus briefly represented unto your lordship under what influence of necessity and fear these declarations were at first made in council, I need not tell you through what impressions, by the incessant importunity, and daily hectoring of his majesty by the duke, now at Windsor, they come at last to be printed and proclaimed to the world.

The king, poor gentleman, is willing to buy his peace at any rate, and hath here staked his honour, not to say his conscience, for it: But as you know that neither concessions, declarations, nor alienations, made by a person in durance, or under threatnings, or swayed by apprehensions of the hazard of his life, can oblige others, though they be such as are wrapt up in, or concluded by him, in all cases wherein he is supposed free, so, in plain English, the generality of the people, and those of the best sense, hold themselves no wise affected or prescribed unto by these declarations. For we, who knew the tenour of them when they lay concealed in the council books, and yet thought ourselves at liberty to believe as our judgments conducted us, are not likely to have our minds altered by the bare printing of them. But how far the conscience of the king is concerned or defiled, I leave to those of the theologic faculty to resolve, only I judge that the same casuistical divinity whereby they salved the conscience, and vindicated the honour of the king, in the case of the covenant, and withal discharged him from the obligation which it was supposed to have put upon him, may, whensoever he thinks meet, stand him in good stead, and afford him the same relief in the case of the late declarations.

Eighthly, There is one thing further, that must not be omitted, because it gives us amazement, and yet affords us pleasant diversion; namely, the motive they have brought his majesty to alledge for his making and publishing this declaration. I confess I could not read it without surprise and wonderful emotion. And I dare say, when you think seriously of it, you will find pity stir in your heart to your abused prince, and your blood swell in your veins through indignation at some about him. For after the care they have suffered him to take for preserving our religion, lives, and liberties, from the designs of the papists, by dissolving two parliaments, and so often proroguing a third, they bring him now to publish this declaration, to relieve the minds of his loving subjects from their fears, and to prevent the ill consequences which a belief of his having been married to the Duke of Monmouth's mother may have in future times upon the peace of these kingdoms. A most proper way to extinguish our fears, by doing all that he can to subject us hereafter to one who is the professed enemy of our established religion and legal government. But, that your lordship may the better comprehend how highly we are obliged to his majesty for his love and tenderness to his people, in all that they judge dear and valuable, by designing so hopeful a successor over them, I shall recount some of those many particulars from which we esteem ourselves capable of judging what a gracious and desirable prince this dear and beloved brother is like to prove:

1. He is a gentleman that hath renounced the religion, wherein he was not only educated, and which these nations profess, but which he had consigned unto him, sealed with the blood of his father, and entailed upon him and the whole line, by no less than his grandfather's curse, in case any of old James's offspring should depart from it.

2. He hath made it his business to seduce his majesty's subjects to the papal faith, and to enslave them to a foreign jurisdiction: And, by his addresses, sollicitations, and preferments, wherewith he is able to reward such mercenary souls as are ready to make sale of their religion, he hath made more converts to the church of Rome than all the English missionaries have been able to do.

3. Through the power which he hath obtained over the king, he hath procured the chiefest places of strength in the nation, and some of the greatest trusts, as well civil and religious, as military, to be conferred upon known papists, and sworn enemies to the protestant cause and English liberties.

4. He hath been the principal promoter of arbitrary government, and of making the king's interest both distinct from, and opposite to, that of his people. And this he hath done in pursuance of papal advice, and in subserviency to the Romish interest. For, where the monarch is absolute, and the lives and fortunes of whole nations are enslaved

to the will and pleasure of one person, mere wheedling of a lustful, weak, or inconsiderate prince, will go a great length in the gaining vast multitudes to adore the triple crown: And for such as shall prove stubborn and refractory, it is but meritoriously to kill them, and then convert their lands to the use of the holy see.

5. It was this darling and beloved one, that authorised the burning of London, and not only made his own palace a sanctuary to the villains, who were suspected as instruments of that dreadful conflagration, but rescued and discharged diverse who were apprehended in the very fact: And this he did partly in revenge, forasmuch as London had been both the magazine of strength and treasure, during the war with the late king; and partly to gratify his popish friends, by destroying the bulwark of the protestant religion, and the chief receptacle of the hereticks.

6. It was this presumptive heir, that all along obliged his majesty to neglect the concerning himself in favour of the protestants abroad, and did so order it, through his power over the king, that never any foreign alliance was made but what was abused to the betraying of them. And here let me call over a story, and perhaps a more tragical one, and accompanied with baser treachery, than any history is able to acquaint you with. One Monsieur Robux, a French gentleman, coming into England to treat with the king concerning an alliance between his majesty and foreign protestants, merely for the preservation of their religion, and having acquainted the Duke of York with his errand, after he had in a private conference or two transacted with the king about it, this royal prince, out of his wonted kindness to the protestants and the reformed religion, caused Rouvigny (leiger ambassador from France at this court) to stand behind the hangings at St James's while he made this innocent gentleman discourse over the whole business. Upon which Monsieur Rouvigny being obliged to acquaint his master with it, Monsieur Robux, who, (upon some intimation that the duke had betrayed him,) had withdrawn hence to Switzerland, was there seized by a party of French horse, and brought to the bastile, where, after some time imprisonment, he was carried to the place of execution, and broken upon the wheel.

7. It was through the Duke of York's means that both the first and second wars were commenced against the Dutch; and that in order not only to weaken the protestants by their mutual destroying of each other, but in hope to have turned the victorious arms of the king upon the hereticks at home and the patrons of English liberty.

8. It was this zealous prince, for the honour and safety of Britain, that advised the breaking the triple league, which was the wisest conjunction and most for the glory of the king's reign, and the preservation of his dominions, that ever he entered into: And this he did not only to gratify France, whose pensioner as well as whose confederate he had been, but to leave the protestants here naked to the attempts of the papists. For he knew that while that league continued firm, the King of Sweden and the states of Holland would have construed all designs upon the protestants in England as done against those of the same religion with themselves, and in favour of whose profession they had entered into that alliance.

9. He hath not only maintained correspondence with foreign princes, to the betraying of the king's counsels, but hath confederated with them for the extirpation of our religion, and overthrowing our legal government: And, besides many other evidences of this, which it is not convenient to mention at present, the depositions which arrived with the committee of secrecy during the session of the late parliament, together with Coleman's letters, and that which he wrote in the duke's name, and indeed by his command, do uncontroulably demonstrate it.

10. He was consenting to and hath co-operated in the whole popish plot; for both his confessor and secretary did, with his knowledge and approbation, seal the resolves for the king's death.

11. It was the duke, who, when the king had revealed the first discovery of the hell-

ish Romish plot to him, immediately communicated it to father Bedingfield, that so the conspirators might know how to secure their papers and abscond themselves.

12. It was he who, through his command over the post-office, prevented the intercepting the letters from St Omers and other foreign seminaries, whereby that whole damnable conspiracy would have been more fully detected.

13. He employed his own dutchess to transport several of the traitors to Holland, that so they might escape the search that was made for them, and the punishment which they had deserved.

14. It was he who suborned, encouraged, and rewarded the vilest miscreants to frame and swear a plot against the protestants; and this he did to beget a disbelief of the popish conspiracy, and in order to destroy such of the nobility and gentry as were the chief assertors of the reformed religion and English liberty.

15. It was he who advised the several prorogations and dissolutions of parliaments, whensoever they were either considering the bleeding condition of the protestant interest abroad, or supplicating the king to an alliance with protestant princes for its protection and preservation.

16. It was he in whose favour the dissolution of the last parliament was procured, and who hath prevented the sitting of this after eight several times appointed for their meeting: And all to hinder the trial of the traiterous lords in the Tower, and to obstruct the further search into the many hellish plots, wherein himself and the rest of the papists were engaged, for the subversion of our religion and laws, and the destruction of the lives of his majesty and people. And how much he hath lessened his majesty's interest in the hearts of his subjects, and weakened their confidence in his royal word, by obliging him to treat this parliament as he hath done, seeing in his speech to both houses, March 6, 1678, he had so solemnly declared his resolution to meet his people frequently in parliaments, and into what straits and wants they have thereby also reduced him, I shall rather leave your lordship silently to consider, than take upon me at this time to unfold.

17. It was he who, after he had for so many years promoted the aiding and succouring of France with English forces, till that aspiring prince was ascended to a power and greatness not to be in any probability withstood or controuled, did at last engage his majesty in making the general peace, which is a thing so highly prejudicial to all Europe, in the unavoidable consequences of it.

18. It was he who countenanced and enlivened the late traiterous combination of prentices and ruffians, and who, together with the lords in the Tower, issued out the money both for the expences of their entertainments, and for the providing them with arms to disturb the peace of the city and kingdom, and assault the houses and lives of his majesty's liege people.

19. It is he who hath enrolled and secretly mustered men in all counties of England, and who, besides the English papists, whom at this time he hath called from all parts of the nation to London, is also provided of a great number of Irish who formerly washed their hands in the blood of protestants, or are the genuine offspring of those that did. Now, being thus furnished and environed, he is resolved (unless God in his providence miraculously interpose) to put all to a venture, and act over the same game in England that was heretofore acted in Ireland.

20. It is he who cherisheth in his bosom, and exalteth to the highest trusts, such as Colonel Worden, who betrayed his majesty's secrets to the usurping powers, particularly to Mr Scot. Nay, himself may be charged with many things in those times, whereby we may apparently discover, both his treachery to his majesty and his ambition to have usurped the crown from him. For when a loyal party of the English fleet had espoused his majesty's right and title, against the enemies of his crown and person, the [illegible]e, who, being then abroad, should have encouraged and ventured his life in conjunc-

tion with them, did, instead thereof, by a most shameful and disloyal deserting of them, both discourage them in their fidelity, and, so far as in him lay, oblige them to compound for themselves, with exclusion of his majesty's interest. Yea, besides this, when the Scots were treating with the king at Breda, in order to the establishing him in the throne of that kingdom, the Duke of York was at that time transacting, with such as remained faithful to the king's title here, that they would renounce his elder brother, and chuse him for their sovereign. Nor do I believe that his majesty can forget the occasion and design upon which the duke forsook him at Bruges, and withdrew to Holland; so that the king was necessitated not only to command his allegiance to return, but was forced to send the Duke of Ormond, and some other persons of quality, to threaten as well as persuade him before he would go back.

21. It is he, who, not thinking the declaration enough to facilitate his ascension to the throne, or to secure him from resistance in the attempts he proposeth upon our lives and liberties, hath been and still is endeavouring to be admitted and let further into the government; and accordingly hath accosted the king, by my Lord Durass, in that matter. This is the more surprising, forasmuch, as one would think, that it is not possible he should be further let into the government, having Berwick, Hull, Langer-point, Sheerness, Portsmouth, and the magazine of the Tower, (Legg being now master of the ordnance) in the hands of his sworn vassals and creatures; and having also the superintendency of all civil affairs in him, unless, by taking the sceptre actually into his hand, he should confine the king to a country-house and an annual pension. And his partisans about the town talk of no less than the having the duke crowned, during the king's life, as Henry II. (though upon far different reasons) was crowned in conjunction with King Stephen. And I wish that what the brother of the king of Portugal hath of late years effected against his prince, did not awaken our jealousy to fear, that the same may be attempted by a dispensation from the infallible chair elsewhere. However, they have taken care, should they accomplish this design, that they may not be obliged to entertain our Catherine, as they in Portugal did the French madam married to Alphonso; forasmuch as the best part of the portion with our princess, namely, Tangier, is, through the courage and conduct of my Lord Inchequin, one of the duke's greatest confidants, as good as disposed of. But, should they proceed in this design against his majesty, it becomes all his majesty's good subjects to endeavour, as one man, the rescuing him from under their power, seeing the very designment of such a thing is a treason of so high a nature against the king, that we should be wanting in our allegiance should we not apply ourselves in the use of all possible ways and means to punish and avenge, as well as prevent, the execution of it. Now, my lord, these are but few of the many particulars, by which we are sufficiently enlightened concerning the Duke of York, and we may abundantly learn from these, how much we are indebted to his majesty for his grace, favour, and care in appointing such a one after him to succeed over us. Do not all our fears hereupon immediately vanish and die; and hope, joy, and gladness revive in our hearts on this prospect, which the king hath given us of so good an heir? But, poor prince! we at once compassionate and forgive him, knowing that this proceeds not from his inclination, but that he hath been hurried and forced to it. Nor do we need any farther assurance of the inward propensions of his majesty's heart, and the dislike his breast is filled with for what he hath done, but the endeavours which he used (under daily and manifold importunities to the contrary) to have avoided it, and the sadness which appears in his countenance, since overawed to publish this declaration. And as for the Duke of York, let him not deceive himself; for as he may perceive by this that we fully understand him, and know the kindness he entertains for us, so we are prepared for him, and resolved to return unto him and his in the kind they intend to bring. For, having both divine and human laws on our side, we are resolved neither to be pa-

pists nor slaves; and, consequently, not to be subjects to him who hath vowed either utterly to extirpate us, or to reduce and compel us to be both the one and the other.

Lastly, For the issuing of all this controversy, concerning whose right it is to succeed next after his majesty, men here about the town accustomed to discourse, think that there need but two proposals, and those very rational ones, to be made. The first is, that the parliament being admitted to sit, they may examine this affair, whereof they alone are competent judges. Whatsoever declarations may otherwise signify, yet it is a principle, which can never be obliterated out of the minds of Englishmen, That they are neither binding laws, nor can alienate or extinguish the rights of any. Shall the son of a common person be allowed the liberty to justify his legitimacy, in case his father prove so forgetful, or so unnatural, as to disclaim him? And shall the Duke of Monmouth, merely by being the son of a king, forfeit this just and universe privilege? If his majesty was indeed married to that discountenanced gentleman's mother, he is, by our laws, the son of the kingdom, as well as the son of King Charles. And therefore it is necessary, as well as fit, that the people should in all due and legal ways understand, whether they have any interest or not in him, before they be commanded to renounce him or resign it. All therefore we desire is, that this matter may be impartially and fairly heard, and that before those who alone have right to be judges of it: And as no other course but this can satisfy the minds of the people, so it cannot be expected that, upon the authority of a declaration, especially gotten as this was, they should sacrifice the share, which, (for any thing yet appears,) they have in him as their apparent prince and next heir to the throne. And unless this be obtained, the people will undoubtedly think their own rights invaded, whatsoever the said duke judgeth of his.

The second thing we would humbly beg, as well as propose, is, That the parliament being called to sit, the Duke of York may be legally tried for his manifold treasons and conspiracies against the king and kingdom. For if he be innocent, and that the right of succession be his, all men will quietly acquiesce under him; but if he should prove guilty (as we no wise question but that he will) shall his treasons, when a subject, qualify him to be a king, and pave the way for his rising to the throne? According to all equity as well as law, he ought first to justify himself from all traiterous attempts and acts against the king and people, before he be allowed to have his claim heard, concerning any title that in time to come he may have to rule over these nations. I shall subjoin no more at present, save that I am,

My lord,

Your most obedient servant.

London, June 10, 1680.

A Letter from Scotland; written occasionally upon the Speech made by a Noble Peer of this Realm. By a better Protestant than the Author of it, (though a Servant to his Royal Highness.)

This is an angry commentary upon Lord Shaftesbury's celebrated speech in the House of Peers, 25th November, 1678, on the affairs of Scotland. See page 48 of this volume. The tory writers

imputed to the earl a desire to inflame the discontents of that oppressed and distracted country, the *indicia* for which accusation are thus quoted by Roger North from a pamphlet of that period:—" Whilst they (the massacreurs of the good archbishop and the field conventiclers) were in this evil disposition, and committed those cruelties and disorders, there was published a libel, said to have been spoken in the House of Lords. It hath been printed twice already, once in a single sheet, shortly after it was said to have been spoken, and afterwards in a collection of diverse remarkable proceedings in parliament; and, because it accidentally had a mighty influence in stirring up the people to the murder (of the good archbishop of St Andrews) and rebellion, I think myself bound to give it a third edition in this place." [After the speech itself, which had a fourth edition in the State Tracts, the author goes on] " By the very next post after this speech was said to have been spoken, forty written copies of it were sent from London to the gentlemen of the party in Edinburgh; and the fanaticks grew so insolent and daring upon it, that several loyal gentlemen wrote up accounts to what height of insolence this speech had blown up the enemies of the church and monarchy, and that they had just reason to fear that very dangerous attempts, if not a downright rebellion, would speedily ensue thereupon. But these reports had not found too much credit at London, where the world was made to believe (by men whose interest it was that they should not be credited) that they were but the inventions of the Duke of Lauderdale, for whose advantage it was, at that conjuncture, that they should be believed; but what we would not then believe we shortly after saw verified."—NORTH's *Examen. p.* 86.

To this it may be added, that when the speech, as printed, was taken notice of in the House of Lords, in order to animadversion on the author, Lord Shaftesbury disowned it, and thus escaped censure. The speech was then burned as a libel, by order of the House.

I HAVE heard much of the [1] sad state and condition we are in, and I am convinced of it, since I see such reflections made with impunity upon the king's person and government. I shall say little to the [2] precedent of our Henry IV. Unbridled violences and mean condescensions are the unhappy necessities of an usurper; but a good and a lawful king is obliged to maintain his own prerogative, as well as the rights of his subjects. But is it possible that the supposed author of the printed speech should already forget how lately the king (after a great retrenchment of his family) did at once, and (as it is said) by his lordship's [3] advice, change almost his whole council? And yet the people (or those that still make use of their names) never were, nor will yet be, satisfied. I will not put his lordship in mind of the [4] court-ladies, since he doth not remember he spoke of them: but unless he make himself a Samuel, I do not know what authority he has to examine Saul about the bleating of the cattle. I cannot believe his lordship could have the heart to sacrifice the fairest of them; his lordship may read in the same place, that obedience is better than sacrifice; but if a sacrifice must be made, it is not to the people, but to God and justice. I would fain understand what is meant by the people: For now every man calls himself the people; and when one man calls for one thing, and another for something directly opposite, both cry out, that if this, or that, be not done, the people is betrayed; that is to say, they will endeavour to persuade them so. But the people in this speech hath a strange dialect, such as I hope no Englishman understands. *Must* was never the language of a good subject, nor submission

[1] These words occur in the opening of the speech, which indeed ought rather to have been called a reply, for such it was, to what two or three lords on the earl's bench had offered, in answer to a speech made by his lordship in the committee before.

[2] That he had given up a great part of his family and council at one time to please the people.

[3] According to Sir William Temple, Lord Shaftesbury was never advised with upon it.

[4] He was reproached with having mentioned the chargeable ladies at court in his speech; and, in his answer, making use of the words of Samuel to Saul, he says, " What means the bleating of this kind of cattle?" and hopes the king will answer as Saul did, That he preserves them for sacrifice; and that he will deliver them up to please the people. *Orig. Notes.*

the part of a king: (We must, &c.[1] and no new converts) I am sorry, that, with all our zeal, we are so unkind to proselytes; we had a greater value for them not long since; for though L. B. was accused of the plot, his conversion secured him without a pardon, though either his lordship was deeply guilty, or the king's evidence grossly perjured. Till the author discover who he means by Sempronia, I shall not tell him who I believe to be as bad as Cataline. But it is prodigious, that while we are frighted with bugbears of invisible dispensations from the pope, his lordship, with his arbitrary *must*, should dispense at once with the law of God as to the queen; with the law of nations, as to foreign ministers; with the law of hospitality, as to strangers; and all that part of the oath of allegiance that concerns the heir of the crown, which is equally binding with the rest, to all whose suspected honesty cannot accept of such an arbitrary dispensation. His lordship seems much concerned to hear of a * bargain between the king and the House of Commons, and so am I; for things are too ripe for mischief, when subjects are permitted to capitulate with their sovereign. The king's subjects (by his permission) have made capitulations with foreign princes; but his lordship would not have the king so far trusted as that his own subjects may capitulate with him, because, as his lordship says, he has so often deceived (that hard word) the people. And I beg leave to use the same expression of his majesty's patience, which his lordship uses of his little care of his person, that no story affords a parallel of him. The actings of the duke are indeed admirable to all, but incomprehensible to such as have not the true principles of loyalty rooted in them. But his lordship, (who, in Cromwell's time, was much better acquainted with what passed at London than at Brussels,) avers, that the duke had an early aim at the crown before the king's restoration; this is a high charge, and ought to be better proved than by a bare assertion. Hath his lordship any letters to produce from his royal highness to himself, or any other chief ministers of the usurpers? or to what crown could the duke pretend, when they had robbed the king of his own? The duke can shew undeniable proofs of his allegiance, even in those days. For what could an exiled prince do more than leave the great commands and pensions that he had abroad, and all the advantages that his birth, his courage, and his reputation promised him, to follow the fortune and the wants of his majesty? But how will his lordship make out, that after the match with a Portugal lady, (for that is the only title his lordship allows the queen,) the duke and his party made proclamation to the world, that we were like to have no children, and he must be the certain heir. Where is the world? and where is the proclamation? He says the duke took his seat in parliament as Prince of Wales, but his lordship knows that the seat on the right hand of the state was, and is, reserved for the Prince of Wales; the duke took that on the left hand; the printed pictures of the house of peers, sitting upon the tryal of the Earl of Strafford, shew that this is no innovation, and his royal highness had the same seat, when the king, his father, called the parliament at Oxford. He urges, that the duke had his guards about him upon the same floor with the king, and so the king was every night in his power: It was a timorous ambition that lost so many opportunities. But what an impudence is this? The duke never had guards; they are the king's; the king pays them; they wait in their turn upon the king; and have but the name of the duke, as the foot regiments have of Colonel Russel and my Lord Craven; so the duke was every night in the king's power. Next he fires his greatest gun, the duke is plainly at the head of the plot: By whose evidence? Long before the duke was named, Mr Oates declared to the lords, that he had no more to accuse: If he accuse him now, and Oates be divided against Oates, how can his testimony stand good? Bedloe said as much;

[1] The intervening words are, Neither popish wife, nor popish favourite, nor popish mistress, nor popish counseller, at court.

* The words in the speech are, Have made offers to the king; and he plainly points out the Earl of Halifax as the person who had made the house acquainted with that circumstance. *Orig. Notes.*

and so here appears no evidence where the greatest would be little enough. I say nothing of a presbyterian plot, but (with his lordship's leave) what has been may be. The calling, the proroguing, and the dissolving of parliaments, are so absolutely in the king, that they ought to be riddles to a subject. When the duke was commanded to leave the kingdom, I appeal to all the world, how readily, how submissively, he obeyed; and, comparing his immediate obedience with the obstinate refusal of others, [meaning the Duke of Monmouth,] who still stay in opposition to the king's command, let any impartial man of sense decide which has shewed most loyalty and duty. His lordship and his party (for he says, *we*) expect every hour that the court should joyn with the duke against them; but I find the court is as hard a word as the people, and as boldly and as oddly used: If by that word he means the king, all his lordship's rhetoric will scarce persuade us, that the king should conspire with the duke against his own crown and his own life; if not, what can the court do without the king, and against the nation? Besides his lordship has too many friends among the courtiers to suspect them, and the duke has met with too much ingratitude to trust them. His lordship avers as truly, that the king has declared the duke to be dangerous, as that his royal highness is now raising men in Scotland; that whole council, that whole kingdom, will disprove him; and, by the apparent falsehood of his assertion, let all men judge of the truth of the rest. If the arms, the garrisons, &c., be in such hands as the king thinks safe, we are safe too; but if not, it concerns his majesty to secure them, since his lordship declares the king is to be trusted with nothing, till he has resigned himself to his lordship and his party, and is wholly theirs; and yet then too he must trust their good nature, and surrender upon discretion; they will allow him no other terms, no, not to be himself and have his senses, unless they can fright him out of them. I will yet charitably hope that the pretended author is abused: It concerns him to vindicate himself by wishing, as I do, that the true author may have the same fate that his speech had, by order of the house of peers.

Reasons for his Majesty's passing the Bill of Exclusion. In a Letter to a Friend.

" If there are any persons so little versed in party-matters as to suppose, that because this or that party submit to be called by one common name, and seem to be under one common direction, they have therefore no divisions nor distractions amongst themselves, they will be much at a loss to account for some particulars in the following piece. For therein they will find the bill of exclusion warmly contended for, and yet some of those who were for running the greatest lengths in the same course, as warmly exposed. But no party was ever so well cemented by wisdom and virtue, as to leave no room for selfishness and folly to disjoint them: and even this before us, which was one of the most formidable that ever opposed a court, partook of the same weaknesses, if not in the same degree, which have been the disgrace of all others. If the story of the Black Box, and the incessant endeavours of the Duke of Monmouth to captivate the affections of the people, make it reasonable to conclude that he had an interest in the exclusion[1] bill, and

[1] Not only the Lord-keeper North is made to suggest in his brother's examen, that the succession was not settled in the bill, purposely to prevent a breach among the excluders, but Bishop Burnet in effect confirms the

that his friends co-operated in it for his sake; other circumstances as plainly prove that the Prince of Orange, who some time before this had married the Lady Mary, was interested as deeply, though not as openly, in the same measure, and had also his tools to forward the work for his sake. It follows, therefore, that the excluders were not what they seemed, one compacted body, but two bodies associated to carry the same point for different purposes; and that, as they knew they were to part at last, it is no great wonder they quarrelled by the way."—*Orig. Note.*

SIR,

I am not ignorant that you have lately heard reports to my disadvantage concerning some matters relating to the public; and though I flatter myself (much more, I confess, from your partiality to me, than any merit I can pretend to) that you do not think the worse of me for them, yet because one cannot be too sure of what one values so highly as I do your esteem, I take the liberty to give you some account of my thoughts of the present posture of affairs, that if I am not so happy as to be still in the good opinion you have formerly had of my firmness to the public interest, I may learn, at least, in what particular you conceive I have varied from it: which last, though perhaps less welcome than the first, will yet be owned as a very great mark of your friendship, since I assure myself you have too much charity for me to impute my errors in this kind to any worse cause than want of understanding.

I must confess I have had no great veneration of late for some men, who, though extremely zealous in appearance for things of public concern, and particularly for the bill for excluding the Duke of York from the succession to the crown, have yet taken such methods for the obtaining that bill, as (with respect to their popularity) looked to me as if they had rather wished it should be denied than granted.

I mean a sort of men that pass with the vulgar for very public spirits, yet are no otherwise for the public good, than as they think it may conduce to their own private designs. If matters be not disposed for them to leap into a great place, or to be restored to some office they had formerly enjoyed, and in which they have discovered principles far different from what they now profess: If every one they have prejudice to be not immediately removed, or perhaps if they fancy themselves the most likely to head the rabble, should things fall into confusion, they will be sure, with great appearance of zeal, to press things of less moment, and which they think will be denied, lest any thing that really tends to settlement should be granted: And they are for the most part gainers by this; for their vehemence, which proceeds from dark and hidden causes, seldom fails of being mistaken by the vulgar for a true and hearty love of their country. I believe his majesty will find these men harder, I am sure less necessary, to be satisfied than the nation: And therefore I hope you will not wonder, if I, who care not much for a great office, if the bill of exclusion do pass, or to be popular with the rabble, if it do not, cannot heartily concur with all that seems to be aimed at by that sort of people.

I suppose you have heard which way I have declared my opinion concerning that bill, when I thought it to any purpose: But give me leave (with as little reflection upon the causes of the breach of the last parliament, as the subject will permit) to tell you,

same thing; for he says, vol. I. page 482, "That those who refused to name the duke's daughter, sent such assurances to the Prince of Orange, that nothing should be proposed to his prejudice, that he believed them, and declared his desire that the king would fully satisfy the parliament. That the states sent over memorials to the king pressing him to consent to the exclusion. That though the prince did not openly appear in this, it was understood that Fagel acted under his approbation: and that this created such a hatred in the duke towards him, as was never to be removed." And a third person, who had an opportunity not only of reading the bishop's history in the MS., but of transcribing some passages from it, and who made some not very favourable remarks upon it, is express, that his highness gave instructions to the Dutch minister here to deal with some members of the House of Commons, to promote the passing of the said bill. See a tract, called Cassandra, But I hope not, 4to. 1704.—*Orig. Note.*

what, in my poor judgment, may most conduce to the passing it, in the parliament which is to meet at Oxford. I cannot imagine how popular speeches in either house, or angry votes that are not always backed with the strongest reason, much less the pamphlets that fly about in the intervals of parliament, can signify much to the obtaining this bill; for to what purpose are arguments to the people to prove the necessity of that which they are fully convinced of already?

I should rather think it worthy the wisdom of the next parliament, to consider what arguments are most likely to prevail with the king himself in this matter; and, instead of such addresses as carry the least shew of menace in them, which cannot but be offensive, since to suppose a king capable of fear, is the worst compliment can be made him; instead of angry votes, which alienate the hearts of the people yet farther from his majesty, and make him more averse from granting their reasonable desires, and consequently from consenting to this bill, to lay before him such reasons for it as may convince him that it is his own particular interest to pass it.

I do not mention the house of lords, being too well assured of the loyalty of that noble assembly to doubt of their passing any thing for which his majesty shews the least inclination. Taking it then for granted that this bill only sticks with his majesty, no arguments are of moment to obtain it, but such as ought to be of weight with him; and those I conceive to be of this nature.

One objection must first be removed: For since kings, of all men living, ought to have the greatest regard to justice, we must not suppose that his majesty can ever consent to this bill, till he be satisfied of the justice of it. I shall therefore endeavour to prove, not only that it is just, but agreeable to the very intention and design of government.

It seems to me to be an undeniable position, that government is intended for the safety and protection of those that are governed; and that where the supreme power is lodged in a single person, he is invested with that power, not for his own greatness or pleasure, but for the good of the people. The tyrannies in Aristotle's time, and those that continue to this day in the eastern parts, must certainly have degenerated from a better kind of government by some accident or other; since what people can be supposed to have been so void of sense, and so servilely inclined, as to give up their lives and liberties to the unbounded disposal of one man, without imposing the least condition upon him? For admit, according to Mr Hobbes, that monarchical government is formed by an agreement of a society of men, to devolve all their power and interest upon one man, and to make him judge of all differences that shall arise among them, it is plain, that this can be for no other end, than the security and protection of those that enter into such a contract; otherwise, you must suppose them madmen, voluntarily to strip them of all means of defence, against the fury and violence of one of their number, rather than continue in a state of war, where, at the worst, they are as free to rob as they are subject to be robbed. 'Tis hard therefore to conceive, that absolute monarchy could ever have been constituted by the consent of any society of men, (besides that we see those that live under them would be glad to shake off their yoke if they could) but 'tis probable they may have been raised by the ambition and valour of some prince, or succession of princes, or by the people's supineness in suffering themselves to be enslaved by degrees, and so being at last forced to submit, when 'twas too late to oppose.

I have insisted the longer upon this argument, because another depends upon it, which comes nearer the present question; for if no reason of government can be assigned but the safety and protection of the people, it follows naturally that the succession of princes in hereditary monarchies, cannot be binding, nor ought to be admitted, where it proves manifestly inconsistent with those ends. I need not instance in all the cases that incapacitate a prince to perform the office of a chief governor; but I can think

of no disability so strong or so undeniable as his being of a different religion from that which is generally owned by the people.

Religion, considered only in a politic sense, is one of the chief supports of civil government; for the fear of corporal punishments, nay, of death itself, would often prove insufficient to deter men from refusing obedience to their superiors, or from breaking their laws, without those stronger ties of hope of reward and fear of punishment in another life. The Romans, of a fierce and rude people, were made tractable by Numa, and submitted to such laws and customs as he thought fit to introduce, not so much by their being convinced of the reasonableness of those laws, as by the finding a way to persuade them that all his new constitutions were the dictates of a divinity, with whom he pretended daily to converse. This sense of religion raised that people afterwards to that incredible exactness of order and discipline; and the belief they had the Gods of their side made them run so intrepidly upon dangers, that Cicero observes, that, though some nations excelled them in learning and arts, others equalled, if not exceeded, them in valour and strength, it was to religion and their respect to divine mysteries, that they owed their conquest of the world. But this very religion, that is the bond of union between a prince and his people, when both profess the same, must of necessity produce the contrary effects, and be the seed of the most fatal disorders, nay of the dissolution of governments, where they differ. The same conscience that ties the people's affections fastest to the prince in the first case, dissolves all manner of trust, all bonds of obedience, in the second.

It is impossible that a prince should signify any thing towards the support of the people's religion, being himself of another; nor would it ever be believed if he could: And how can that government subsist, where the people are unanimously possessed with a belief, that the prince is incapable of protecting them in that which, for the most part, they value above all other considerations? I know no instance can be given in this northern part of the world, even in those kingdoms that have varied from their original constitution, and are become absolute, that a prince of a different religion from the people was ever admitted to the crown. Queen Mary here in England met with some opposition; yet she could not be said to be of a different religion from the people: for popery was so far from being extirpated in her days, that she found a parliament that joyned with her in the restoring that religion. But in France, when the king of Navarre, a protestant, was presumptive heir to the crown, the states assembled at Blois (as all historians of that time agree) had certainly excluded him, and the rest of that branch that were protestants, from the succession, if they had not parted abruptly upon the death of the Duke of Guise and his brother. Nay some affirm, that the king himself, though of the established religion, was not out of danger of being deposed, upon a suspicion of his favouring too much the protestant faction, in opposition to the league. After the king's death the hereditary right was without dispute in the King of Navarre; but he found none to assist him in the making good his title, but the protestant party, of whom he was the head, and some creatures of his predecessor, that took his part more out of hatred to the league, than affection to him. This prince was at last indeed admitted to the crown, upon his conversion to the church of Rome. But that would not have sufficed, nor would the generality of the people, who were extremely zealous for their religion, ever have trusted one that had been of another, had he not happened to be a prince of incomparable courage and conduct, who, through seas of blood, and after many victories, forcing his entrance into the capital city, made his way to the throne by conquest, rather than by a voluntary admission of the people. It is observable, by the way, that the bishops and clergy of France were so far from setting up a divine right of succession above the religion established, that most of them opposed him even after his conversion; all of them before; and the pulpits rung with such bitter invectives against him, (only upon the account of religion) as perhaps no

age can parallel. This I should think might serve for instruction to some bishops that I could name, who, by maintaining that nothing ought to over-rule the hereditary right of succession, must either confess, that their religion deserves not so much to be defended as the Romish doth, or that they themselves are not so zealous in the defence of it as they ought to be. Let these assertors of divine right tell me, if in France, at this day the most absolute monarchy in Europe, and where the succession is held most sacred, a protestant prince would be admitted to the crown.

And here in England, besides the consideration of religion, that of property is not to be neglected; since what security can be given that abbey-lands, in which most landed men in the kingdom have a share, would not be restored to the church under the reign of a popish prince? The objection, that a prince may be of the church of Rome, and yet not change the established religion, is frivolous. For though there may be a possibility of his not attempting it, deterred, perhaps, by the people's universal detestation of popery, or discouraged by the ill success of former attempts, this amounts to no more, than that he will not bring popery in, because he cannot. But is this all that a King of England is obliged to do by the oath which he takes at his coronation? an oath not only a crime for him to take (if he be a papist) but impossible for him to keep. For can a papist defend that religion to the utmost of his power, which cannot be fully secured but by the suppression of his own? Can he be a fit head of the protestant interest abroad, who (while he continues of the church of Rome) must wish there were never a protestant left in the world? If he be incapable of doing this, that is, if the ends of government cannot be obtained in the ordinary course of succession, the state must of necessity fall into confusion, if there be not an extraordinary power lodged somewhere to provide for it's preservation.

That power here in England is in a parliament, and has often been made use of; but, I conceive, for the reasons above-mentioned, never more justly than upon this occasion.

And though the justice of this bill be very clear, I think the next thing yet easier to prove, which is, that it is his majesty's real interest to pass it; for if this government be so constituted that the king, having the hearts of his people, is one of the most considerable princes in Europe, but without them signifies but little either at home or abroad, as I doubt that is the case; and if nothing can contribute more to the alienating the people's affections from him than his denying this bill, one would think there needed no other motives to induce his majesty to pass it. But, besides, I should not think this unworthy of his majesty's consideration, if there are some persons to whom he may have a just prejudice, and who, if they cannot bring to pass whatever they propose to themselves, will still be endeavouring to make the breach wider, whether the denial of this bill may not furnish them with too plausible arguments with the people to refuse such necessary demands as his majesty may make for the safety of the kingdom, or the support of his alliances; and whether, on the contrary, the passing it may not very much disappoint those counterfeit patriots, by taking from them the best pretence they have of stirring up the people to sedition.

Nay, who knows but the refusal of this bill may exasperate the nation to that degree, that a title may be set up, on pretence of a former marriage, by the help of false witnesses, which, though as ridiculous in itself as injurious to his majesty's reputation, may yet put the whole kingdom into a flame.

The expedient of taking away all regal power from a popish successor, and leaving him only the name of a king, can be no satisfactory security to the nation, unless such a form of government were settled during the life of his predecessor; for otherwise the successor (having a right to the crown, which, without an act to exclude him, he will have) may not only pretend that the predecessor cannot give away his prerogative, but probably may succeed in opposing it, by the difficulty that is always found in the introducing of new constitutions. Now, whether this expedient (being put in practice

during the life of the present king) be not as good for the people as the bill, I shall not now dispute; but, as to the king himself, I think it is clear that nothing can be less for his honour or interest than to admit of such an expedient.

The objection, that this bill may disunite Scotland from England, seems not very weighty. For, first, we know not but a free parliament there may pass a bill to the same effect; but, if they do not, the disunion cannot happen, unless the duke outlive the king, and, in that case, will continue but during his survivance, for the next successor will unite the kingdoms again. This inconvenience, therefore, if it be at all, will be of so short continuance as cannot be of weight to ballance with those present and visible mischiefs that may fall upon the nation for want of this bill.

Some have fancied, and I hope it is but a fancy, that the king has made a solemn promise to his brother never to pass it. I will suppose the worst. If his majesty have made such a promise, I conceive, with submission, it is void in itself. For if he have taken an oath at his coronation to maintain the established religion, and in order to that it be necessary to pass this bill, I doubt no subsequent promise can absolve him from the performance of that oath. In the next place, all promises are understood to be for the advantage of him that makes them, or of him they are made to, or both. But the performing this would not only be ruinous to his majesty, but of no advantage to his royal highness: for how great soever his merit and virtues are acknowledged to be, he lies under a circumstance that makes it impossible for him to come to the crown (though this bill never pass) but by conquest; and that way he may have it, notwithstanding all the acts that can be made to oppose him.

I shall add no more to the trouble I have given you upon this subject, but that I am for this bill, because I think it just and necessary, not because it is contended for by a party: for I hold myself as free to differ with that party, when I think them in the wrong, as to agree with them when they have reason of their side. This may be an error, at least may be subject to misconstruction, in a time that most things are so; but I hope you, that have known me long, will judge more charitably of,

Sir,

Your most humble servant.

A Letter to his Grace the Duke of Monmouth, this 15th of July, 1680. By a true Lover of his Person and the Peace of the Kingdom.

The history of this unfortunate nobleman, and the arts upon which he was thrust by his advisers, that he might acquire that popularity of which they hoped to reap all the advantage, need not here be recapitulated. It is very remarkable, that the following tract contains the parallel between the scriptural history of David and Absalom, and that of Charles and Monmouth, which Dryden afterwards made the ground-work of his celebrated satire.

May it please your Grace,

The many discourses that have of late been bandied up and down by all parties in this kingdom, touching your grace, have been a great trouble to those that are your

real friends, who have not an opportunity of communicating to you their sentiments of the present clamours that concern your grace: and they cannot yet adventure to do it, for want of that intimacy and interest that some ill-affected persons have with your grace, which hath administered so much noise and talk among the vulgar, and hath been so highly detrimental to you, both in respect to your interest in the king's favour, and the honour your grace has attained to by your heroic and generous actions, both at home and abroad, enough to make the whole world your friend.[1]

Sir, I have no design in this address to you, but humbly to represent to your grace what sad consequences have befallen the persons of princes and great men by adhering to flatterers and evil counsels; especially such as propose ways to the highest honours imaginable, and yet, at the same time, lay a foundation for their eternal dishonour and ruin. Thus have I seen ambitious men, after they have been raised up from a mean fortune, become the greatest statesmen and favourites of their prince, and, at the same time, be undermined by flattering and deceitful persons, even to their utter ruin: instances enough there may be found in records of latest times. Not that by this I any way reflect upon the present circumstances of your grace; for you are a person whom no man has a greater veneration and honour for than myself; yet, my lord, when I consider what strange sentiments the people have had of late concerning the present state of the government, and what great influences some ill-affected persons have over them, to make them fit for any project that shall be proposed for the alteration thereof, I cannot but with great and just complaint, and indignation too, say, that they deserve not the least shelter in that government, the support of which only proceeds from peace and unity among ourselves.

My lord, when a nation grows weary of government, it is high time for the prince to look narrowly after the little politicians that are designing its alteration and ruin; and no one can better serve the interest of his prince and country than by finding out, and discovering the intrigues of such men; and, when found out, to make them loathsome and obnoxious to the people. This ought to be the duty of every loyal-hearted subject: and as I am sure it is your grace's duty, so it is highly your interest; for by the destruction of the monarchy of England, and government thereof, no ends can be served but those that lead down to the chambers of death.

That such men are abroad, and now at work in order thereunto, is not unknown to many of the king's old and true friends, who, though they have not been advanced to such high places in the government, nor rewarded for old faithful services, (through the artifice of some late cunning statesmen,) as others that never (or scarce ever will be) faithful to the king and kingdom's interest, yet have they both hearts and wills, and abilities too (whenever lawfully commanded) to oppose and dissipate too these leaders in the commonwealth faction: and, my lord, it will be all our interests so to do; for let such men pretend to what they will, by advancing in the opinion of the vulgar such a man to-day, and to-morrow deliver over another to the rage of the people, by loading and branding him with odious terms, it is a thousand to one but the next day him they had so advanced in the opinion of the people shall be made the object of their scorn.

When, my lord, we seriously consider and reflect on the past actions of men of such principles as these, we cannot but loath and abominate them. Oh, how happy is our government! What a good king! What admirable laws! What an excellent religion have we! (if rightly and truly observed) and yet we are not contented, but seek after

[1] Monmouth distinguished himself as a soldier both in the service of France and Holland:—

Early in foreign fields he sought renown,
With kings and states allied to Israel's crown.

At the siege of Maestricht he commanded the storming party, and behaved with great spirit.

new paths, that lead to the confusion and ruin of all. My lord, before government was settled in the first ages of the world, that eternal rule of justice, " Of doing to all men as you would they should do unto you," was an obligation even to the very heathens themselves: That bound contracts, kept promises, affirmed truth, made subjects obedient, and princes just. Why shall such men pretend to Christianity, and not mind the laws and duties thereof? This excellent religion bids us, by an express precept, (though to a heathen prince,) " Render to Cæsar his tribute and dues " It is true, in all other particulars it was necessary that the instances and minutes of justice be appointed by the laws and customs of the several kingdoms and republics, and therefore it was that Christianity so well combined with the government of heathen princes; because, whatsoever was naturally just, or declared so by the political power, their religion bound them to observe, making obedience to be a double duty, a duty both of justice and religion. Thus the christian loyal subject. But for the democratical man, that is never quiet under any government, so long as it served not his own private interest, what security can any kingdom have of him? Neither laws nor councils, oaths nor engagements, shall oblige him to duty and obedience, when he sees it necessary to give a blow to the government. With such persons and such company it behoves all good subjects to have no communication.

My lord, these are the men that have made such a bustle of late, with their plots and contrivances, to bring us into confusion. Now, as your grace is both by duty and interest obliged, so let the humble request of your true and real friends persuade you to mind no other interest besides that of the common good. You are in the eye of the people, and beloved by all for those expressions of goodness and valiant acts you have performed, both at home and abroad. It is much lamented, and taken to heart by your best friends, that there are a sort of men who have made it their business of late to advance you higher than the wisdom and favour of the king has made you. We do say they are your enemies, and seek after your ruin; though we doubt not at all that any of their pernicious and self-designing counsels shall ever sway with so noble and prudent a prince as your grace, to derogate in the least from those innate and inbred principles in your soul, of loyalty and obedience to the best of kings, &c.

These are the men that would, with Joab, send for the wise woman, to persuade king David to admit of a return for Absalom his son; and when they had effected it, leave him to himself, till anger and passion had set fire to the field of Joab. These are the men that would have advised Absalom to make[1] chariots, and to take fifty men to run

[1] It was in this year that the duke made his progress through the west of England, and laid such a variety of snares to captivate the affections of the people. These arts are commemorated by Dryden in the following lines:—

" The crowd, that still believe their kings oppress,
With lifted hands their young Messiah bless;
Who now begins his progress to ordain
With chariots, horsemen, and a numerous train:
From east to west his glory he displays,
And, like the sun, the promised land surveys.
Fame runs before him as the morning star,
And shouts of joy salute him from afar;
Each house receives him as a guardian god,
And consecrates the place of his abode.
But hospitable treats did most commend
Wise Issachar, his wealthy western friend.
This moving court, that caught the people's eyes,
And seem'd but pomp, did other ends disguise.
Achitophel had formed it, with intent
To sound the depths, and fathom, where it went,

before him, and appoint his time and station beside the way of the gate, to enquire of the tribes of Israel that came up to the king for justice, what their controversies and matters were. These are the men that would advise young Absalom, that, since David had appointed no one to hear their grievances (which was a political lye) and relieve their oppressions, to wish, "O that I were made judge in the land, that every man that hath any suit or cause might come to me, and I would do him justice." In short, these principled men were they that set on Absalom to steal away the hearts of the people from the king; these are they that advised him to go to Hebron to pay his vow; and these were the men that led him into actual rebellion against his father, and to be destroyed by some of the very hands that had assisted him in those pernicious councils.

So that from hence we may conclude, that the greatest safety in this world consists in being peaceable, and of a submissive spirit; a spirit so eminently seen by all people in your grace under the present circumstances, that you have won the hearts of all worthy and loyal persons.

Now what has been said, I hope, will not give the least offence to you: for, I do protest to your grace, I am so much your entirely affectionate and devoted servant, that, next to my allegiance to my king, and my steadfastness to the royal interest, I declare I would, in defence of your person, in any just cause, sacrifice my life and fortune; with which I will conclude,

My lord,
Your grace's most affectionate servant,
C. F.

York, the 16th of July, 1680.

The Freeholder's Choice; or a Letter of Advice concerning Elections.

This was by way of preparatory to the general election, for that since called the Oxford Parliament. The clergy had declared for the court; the opposite party thought it of consequence to shake their credit with the people, and this was one of the methods they took to effect it.

Sir,

I received yours of the 12th instant, and am fully of your mind, that if our representatives cannot be suffered to make laws to regulate elections, we must supply that defect by some contract amongst ourselves, whereby all unnecessary charge may be prevented, as of late has been done in most counties in the case of sheriffs; for, otherwise, the present design of such frequent changes of parliaments may prove as pernicious to the people's interest as the perpetuating of one. Our grandees do now see that

> The people's hearts, distinguish friends from foes,
> And try their strength before they came to blows.
> Yet all was coloured with a smooth pretence
> Of specious love, and duty to their prince."

they did out-shoot themselves, and are full of repentance for their rash and hasty dissolution of the late odious, over-long parliament, and are therefore attempting to retrieve that error by tiring out the people with frequent changes, till they can get another for their tooth, as manageable and mercenary as the former: and therefore, to obviate this mischief, we must make elections easy, both to the chusers and the chosen. To consider of which, as also to contrive the management at a public charge, of all abuses by mayors, bailiffs, and sheriffs, in making double and false returns, and all other undue and illegal practices, I shall, with the rest of the gentlemen in these parts, give you the meeting you desire.

I find all persons very forward to countenance this public work, except the high-flown ritualists and ceremony-mongers of the clergy, who, being in the conspiracy against the people, lay out themselves to accommodate their masters with the veriest villains that can be picked up in all the country, that so we may fall into the hands again of as treacherous and lewd a parliament as the wisdom of God and folly of man has most miraculously freed us from. To which end they traduce all worthy men for fanatics, schismatics, or favourers of them: nay, do but pitch upon a gentleman that believes it his duty to serve his God, his king and country, faithfully, they cry him down as a person dangerous and disaffected to the government, thinking hereby to scare the people from the freedom of their choice, and then impose their hair-brained journeymen and half-witted fops upon them.

Wherefore I think it no less than a duty incumbent on us, in this time of public danger, to expose these blind leaders of the blind, with their designed conspiracy, to the people's views, and to wipe off that little paint that is upon them, that the whole nation, seeing them in their proper colours, may have that contempt and scorn for them which they deserve.

For as no love nor kindness from Christians can be too much to such ministers of the gospel as shall diligently and faithfully discharge their duties, without officiously involving and turmoiling themselves in secular affairs, so when they shall desert their own station, and prove cursed instruments in the hands of their managers, of cruelty, rapine, and oppression of a people, instead of preaching up the good tidings of peace and happiness to mankind, they then become a den of thieves, and ought to be esteemed, by all lovers of their country, as unnatural and public disturbers of its peace and welfare.

By their office, indeed, they are the salt of the earth; but, having lost their savour, they are henceforth good for nothing but to be cast out, and trodden under foot of men, as our Saviour teaches. For pray now, because we ought to honour and most tenderly affect those that lay out themselves and talents for the salvation of our souls, does it therefore follow that we must bear the same respect to such as endeavour the destruction of our bodies and estates? God forbid that so brutal an inference should infect the minds of men! A good physician, that administers wholesome and sound medicines, ought to be rewarded; but an ignorant or knavish quack, that gives us poison instead of physic, deserves an halter, though he has the college-licence.

St James put a pertinent and honest question to the Christians of his time, "From whence come wars and fightings amongst you?" And, were he now alive to repeat it, all Europe would answer him with one voice, From knavish and time-serving priests, who, consulting their own secular advantage, and to heap up to themselves a worldly mass of wealth, of grandeur, and of power, have designed to make all people slaves to their princes, and princes slaves to themselves.

These traditors of the gospel have deserted the plain paths of righteousness, and betaken themselves to a serpentine course of creeping into courts, and there have created and fomented misunderstandings and jealousies betwixt governing powers and their subjects, that thereby they might seemingly become necessary to the one, and have an

opportunity of pillaging, oppressing, and domineering over the other. It is these sons of Belial who, in all ages, have endeavoured to corrupt and stain the generous minds of princes with arbitrary and unmanly maxims of government and state, and have framed for them the weak policies of cruelty, craft, treachery, and formal devotion, instead of protection, wisdom, justice, and righteousness, which alone can establish a nation; insomuch that magistracy, which ought to watch for the good of the people, is fain to be watched by the people, lest it ruin and undo them. It is these wolves, in sheep's clothing, who have eaten up the people of God like bread, and in all parts of the christian world have spirited the making and edged the execution of persecuting and sanguinary laws: Wherefore, I believe, good father Jacob had a foresight of these sons of Levi, when, in his last will and testament, he left them a curse for a legacy instead of a blessing; and if the whole world were now to make their wills, all but knaves and fools would do the like.

You may easily call to mind a late instance of the humanity and conscience of this race of men here in England: for when his majesty not long since attempted to follow his own inclinations,[1] and emitted a declaration of indulgence to tender consciences, the whole *posse cleri* seemed to be raised against him: every reader and Gibeonite of the church could then talk as saucily of their king, as they do now of the late honourable parliament; nay, they began to stand upon their terms, and delivered it out as orthodox doctrine, That the king was to act according to law, and, therefore, could not suspend a pœnal statute; that the subjects obedience was a legal obedience, and, therefore, if the king commanded any thing contrary to law, the subject was not bound to obey; with so many other honest positions, that men wondered in God how such knaves should come by them. But wherefore was all this wrath, and all this doctrine? Merely because his majesty was pleased for a time to remove the sore backs of dissenters from under the ecclesiastical lash, the bloody exercise of which is never denied to holy church, but the magistrate is immediately assaulted with the noise and clamour of Demetrius and his crafts-men.

But now the tables being turned, the same mercenary tongues are again all Sibthorp and all Manwaring; not a bit of law or conscience either is now to be had for love or money; not any limits to be put to the king's commands, or our obedience: It is a gospel-truth with these men, that all which we have is the king's; and if he should command our estates, our wives and children, yea, and our religion too, we ought to resign them up, submit, and be silent. And, therefore, in the approaching elections, of all men I would avoid such as are recommended by these sycophants, lest such damnable doctrine should crawl from the pulpit into the parliament-house, to the destruction of religion and utter ruin of the state.

[1] Upon the 15th March, 1671, the king dispensed with the exercise of the penal laws against nonconformists of every persuasion.

A seasonable Address to both Houses of Parliament concerning the Succession, the Fears of Popery, and Arbitrary Government. By the Earl of Halifax, 1681.

" Sir George Savile, Viscount, Earl, and at length Marquis of Halifax, was the prime minister of Charles, during the last years of his life. He was a man of fine genius and lively imagination; but as a politician was rather guided by a desire to display the full extent of artful and nice management of parties, than by any steady or consistent principle of his own. He was at the head of the small party called Trimmers, who affected a sort of neutrality between the Whig and Tory factions, and were of course suspected and hated by both. He originally made a figure in opposition to the court, particularly upon the great debates concerning the test, which he keenly opposed He voted at first for the bill of exclusion; and used the jocular argument against hereditary government, that no man would chuse a man to drive a carriage merely because his father had been a good coachman. But when that great question came finally to be debated in the House of Lords on the 15th November, 1680, Halifax had changed his opinion; and he even conducted the opposition to the bill, and displayed an extent of capacity and eloquence equally astonishing to friends and foes, and which perhaps was never surpassed in that assembly. Even Shaftesbury sunk before this versatile orator; and there seems little doubt that his eloquence had a great share in deciding the issue of that day's famous debate, by which the exclusion bill was thrown out for ever. The House of Commons was so much incensed against Halifax, that they voted an address for his removal from the king's councils. The king, however, found his own advantage in the fine and balancing policy of Halifax; and, far from consenting to his disgrace, promoted him to the rank of marquis, and office of privy seal, which was hardly more displeasing to the Whigs than to the Duke of York. To the overbearing measures of this prince, Halifax was secretly a determined opponent: it was his uniform object to detach Monmouth so far from the violent councils and party of Shaftesbury, that the interest which he still retained in the king's affections might be employed as a counter-balance to that of his brother. He prevailed upon the king to see Monmouth after the discovery of the Rye-house plot; and had the duke then proved more practicable, it is possible, that, backed with the interest of Halifax, he might have regained his place in the king's favour. Upon this occasion the Duke of York was not consulted, and made open show of his displeasure. Indeed, Halifax told Sir John Rereesby, that the duke would never forgive him. It is even said, that immediately before the death of Charles, there was a scheme in agitation, under the management of Halifax, for recalling Monmouth, sending York to Scotland, calling a parliament, and changing the violent measures of the two last years. If so, it was prevented by the king's sudden death, and left Halifax exposed to the resentment of his successor. For some time, James, in consideration of his great services during the dependence of the bill of exclusion, treated him with seeming confidence; but, finding him unwilling to go the lengths he proposed in religious matters, and particularly in the proposed repeal of the test acts, he was totally disgraced. After this period the Marquis of Halifax engaged with those lords who invited over the prince of Orange; and joined so cordially in the resolution, that he was made keeper of the seals by King William. He died in April, 1695.

" Amidst the various political changes of this thorough-paced statesman, it ought not to be forgotten, that, though he sided with the court during the last years of King Charles, his councils were a salutary check on the arbitrary measures urged by the Duke of York; and that he probably merited the phrase which Dryden elsewhere bestows on him, of preventing a civil war, and extinguishing a growing fire which was just ready to have broken forth."—DRYDEN's *Works, London,* 1808, *vol. ix. p.* 305.

The following pamphlet may be considered as one of the moderating plans of this great statesman, by which he endeavoured to counterbalance the arguments and influence of Shaftesbury among the more moderate at least of his adherents.

It was the Egyptians practice, before physick was reduced into art or profession, to carry forth into the roads and highways, the diseased, and to enquire of all passengers the causes and remedies of their distempers; out of whose prescriptions their friends selected and applied what they judged most proper.

What was then done for the natural is now as necessary for the body politick of this country, sick, almost unto death, of fears and jealousies, the plots and devices of the wicked and ambitious; exposed to all travellers, among whom good-nature and self-preservation have at length, after two years silent compassion, prevailed upon me to give my opinion of the causes and cures of our evils, which I will offer without fear or favour of party or faction, of court or city; inquiring how far our apprehensions of popery and arbitrary government, that have so long discomposed us at home, and made us contemptible abroad, are just and reasonable.

Though I confess it is said, There never was smoak without some fire, yet at first sight it seems hard to believe that sober men should ever attempt innovations, seldom or never advantageous, always hurtful, because necessarily attended with the sad effects of civil war; a calamity that has so lately proved fatal to the kingdom in general, to the prince and to the subject. Whence it may be reasonably presumed, when our passion is over, and we have fully considered the rise, progress, and event of the last rebellion, we shall grow calm and wise, permit the king to enjoy his own prerogatives, and content ourselves with our just rights and privileges. 'Twill be time enough (when these are invaded, if religion even then will allow it) to oppose, or stand upon our defence; and to offer at it sooner is madness and folly, rebellion and impiety.

For the better coming to our point, it is necessary we take a review of the times preceding forty-one, when from the end of King James's reign the people were, as now, full of murmurings, repinings, and distrusts against the government. At last the smothered embers burst forth into a flame; and after ten years violence, war and confusion, and near as many more of usurpation and tyranny, the commonwealth was so far from being bettered, by any of the many changes and expedients, that the re-calling our king from his unjust exile was found and unanimously agreed to be the only way to prevent its utter ruin. Our gracious sovereign, merciful beyond example, pardons his rebellious subjects, the murderers of his royal father, and the usurpers of his own crown and dignity; loads, even among them, with offices and honour, such as seemed penitent, and were capable. He then proceeds, first to the re-settlement of the religion of the church of England, like virtue seated in the middle, and equally endangered by the two extremes of popery and presbytery; and after, to that of the state in peace and quiet, which we enjoyed to the envy of our neighbours. This happiness occasioned a war with Holland, France, and Denmark, to their great loss, and the renown of England, ending in a league of friendship and amity, for the general good of Europe. Not long after the king was advised to grant a toleration for the ease of tender consciences, and the advancement of traffick and manufacture. This was pressed with arguments, that the want of it occasioned Venner's insurrection; the plot in 1662, for which several suffered at Tyburn; that in 1663, begun in Ireland, and carried on in England, for which, in 1664, divers were executed in Yorkshire, as were others afterwards in London, April 1666, who confessed at Tyburn a design of subverting the government, seizing the Tower, and firing of London the September following; and withal declaring, there were those behind of their party, that would still effect that design, which (as to that part) was too evident. This is notorious from the historical account published in octavo, and confirmed by the Gazette;[1] and therefore I cannot but wonder at the

[1] Viz. "At the sessions in the Old Baily, John Rathbone, an old army colonel, William Saunders, Henry Tucker, Thomes Flint, Thomas Evans, John Myles, William Wescot, and John Cole, formerly officers or soldiers in the late rebellion, were indicted for conspiring the death of his majesty and the overthrow of the government; having laid their plot and contrivance for the surprisal of the Tower, the killing his grace the Lord General, Sir

commons vote of last January the 10th,[1] "That it is the opinion of this house, that the city of London was burnt in the year 1666, by the papists, designing thereby to introduce arbitrary power and popery into this kingdom." It would be a great satisfaction to the world to publish the grounds of this opinion, because that otherwise considering they did not pursue it, nor any reason assigned what should have hindered, it will hardly gain more credit than the philosopher's paradox, that snow was black. I have read of some, who never wanted opinions, could they but find arguments to make them probable, for which their being at a loss made them ridiculous with the sober part of mankind.

The king consents, and at the same time declares war against Holland, whose insolence and injustice in point of trade and honour was become insupportable. Soon after the parliament convened, and, apprehending the indulgence might in time prove destructive to the established religion, prayed it might be revoked; the king, contrary to the then ministers advice, answered their desires. Hereupon they grow peevish, and thenceforward vow and study all the methods of revenge and confusion, though with the hazard of the publick. Ever since we have been continually alarmed with libels against the government; and at last a discovery is made of a popish contrivance, sifted as far as possible by the king in council, and after earnestly recommended to the parliament's further consideration. This is pursued, but some men laying hold on it, design to drive it to further purposes, and, under pretence of defending the king's person and expelling popery, set up presbytery, and pull down the monarchy. But there being too strict a bond of mutual love and loyalty between the king and that parliament, means are now used, upon a great minister's being impeached, to have it dissolved: An act that answered not his expectations.[2] A new one is called, who, exceeding the bounds of prudence and moderation, are quickly sent home. A third is summoned, and the king having to this, as to the former, over and over pressed the impartial examination of the plot, the trial of the lords, and the care of the established religion, wherein by all just and lawful ways he often declared he would not follow, but heartily go along with them. But, alas! they intended no such thing. The plot must be kept on foot, else they would be defeated. The king perceiving they still neglected the good of the publick, breaks them, and summons a fourth at Oxford; where I wish they may be inspired with softness and prudence, answerable to the designs of the place and the needs of the kingdom.

After this short account, is it possible to believe those who insinuate the king himself is in the plot, is a papist, and intends arbitrary government? Oh! ridiculous, nonsensical fancy! If the plot be against his person and government, and contrived by papists, and among them (as Bedlow has sworn) none in England but have received the sacrament upon it, and he be of the number, he must join with others to cut his own throat, stab, shoot, or poison himself. But there's some mystery in this pretty invention, Charles Stuart conspires against the king; this imitating the Long Parliament in

John Robinson, lieutenant of his majesty's Tower of London, and Sir Richard Brown, and then to have declared for an equal division of lands, &c. The better to effect this hellish design, the city was to have been fired, and the portcullis to have been let down, to keep out all assistance; the horse-guards to have been surprised in the inns, where they were quartered, several ostlers having been gained for that purpose: The Tower was accordingly viewed, and its surprize ordered by boats over the moat, and from thence to scale the wall. One Alexander, who is not yet taken, had likewise distributed sums of money to these conspirators; and for the carrying on of the design more effectually, they were told of a council of the great ones, that sat frequently in London, from whom issued all orders; which council received their directions from another in Holland, who sat with the states, and that the third of September was pitched on for the attempt, as being found by Lilie's Almanack, and a scheme erected for that purpose, to be a lucky day, a planet then ruling which prognosticated the downfall of monarchy. The evidence against these persons was very full and clear, and they accordingly found guilty of high treason."—*Orig. Note.*

[1] Anno 1681.

[2] Lord Danby expected his impeachment would be quashed by that dissolution, but was disappointed.

his father's time, who fought for the king, for his politick capacity, against himself, his natural, his person. But if he were a papist, would he have passed into laws every bill tendered him by both houses, as well before as since this plot, in their disfavour? And yet we know one of the godly party was lately fined 500l. for saying, the Duke of York was a papist, and the king little better;[1] a saying no longer minced nor whispered, but now loudly and plainly spoken every day. Could he have been wrought to a change of religion, in the time of his banishment, if he had not withstood the offers of foreign princes, and the solicitations of a fond mother, to re-instate him to his own dominions with absolute arbitrary power. But he was too much a christian, and too good a king, not to prefer continuance in exile to the designs of enslaving his subjects, either in their souls or their bodies. Must he now, in an age desirous of rest and quiet, be upbraided with such purposes that had resolved against them in the heat of his youth, the great spur of ambition? Now when to compass this wicked and ridiculous project is as impossible, as before it was the contrary; when after his restoration, besides foreign assistance, offered at any rate and to any purpose, he had an obsequious general, a victorious fleet and army, and a parliament whose zeal and devotion seemed in nothing to be bounded but by the limits of his own pleasure; when to the immense treasure he was possessed of, bestowed among his people with equal bounty as it was given, he might have added vastly by the confiscations of more than half the estates and wealth of the three kingdoms. But instead of this he often pressed his parliament to expedite the act of oblivion, disbanded his army, and enlarged the fleet, by making one squadron of more value than all three in the time of Queen Elizabeth, and disabled in all his dominions, without exception, all papists from bearing any office civil or military. Has he not passed the bill, excluding for ever all popish lords out of the house, to which his father could never be persuaded? Has he not likewise curtailed the royal power by two other acts, that of the habeas corpus, and against quartering of soldiers? Three statutes, for which he might have had as many millions, had he insisted on a bargain, or known how to distinguish between his own private interest and that of the subject, or the truckling way of bartering, when the good of his people was concerned. Why did he, but for the sake of the protestant religion, refuse the elder daughter of the crown to the dauphin of France and marry her to the Prince of Orange? And this without putting his parliament to the charge of a portion, or a much greater sum, which they would have gladly given, had he made the proposition. And no other could be the motives of recalling his troops from France, raising an army for the defence of the Netherlands, at the expence of above 200,000l. more than was given, and his prohibiting trade with that crown. These things put a stop to the progress of that victorious king's arms, occasioned his quitting Messina, and clapping up a general peace, when he was just at the point of his proposed conquests. If our prince intended an arbitrary government, why, besides his former neglecting the opportunity, would he disable himself for the future, by parting with one of the greatest instruments for that purpose, the court of wards and liveries, tenures *in capite* and knight-service, purveyance, &c. And what did he receive for this excess of bounty, for the chiefest and most useful flower of the

[1] As it is pretty well understood that Charles was friendly to the catholic religion, which indeed he had secretly embraced, no pains were spared to point out the tendency to the people, who connected with the faith of Rome, all the bugbear horrors of the plot, as well as the real reasons which they had to dread its influence. The author of this tract probably alludes to the language held by Colledge, which was that of his party. Smith deposed against him, that while he was carrying him to dine with one Alderman Willcox, he told him, 'He was a man as true as steel, and a man that would endeavour to root out popery.'—Says I, 'That may be easily done if you can but prevail with the king to pass the bill against the Duke of York.'—'No, no,' said he, 'now you are mistaken, for Rowley is as great a papist as the Duke of York is, (now he called the king, Rowley,) and every way as dangerous to the protestant interest, as is too apparent by his arbitrary ruling.'—*State Trials, III*, 356.

Carter gives us the evidence of the Duke of Ormond, who surprised Charles at mass, notwithstanding all the hypothetical reasoning here made use of to vindicate him from the charge of popery.

crown, but a trifle, a feather, half the excise, not above a fourth of the other's yearly value. And after all this, knaves invent, and fools believe, he is now setting up for tyranny and popery, when his years are past the heat of ambition, his coffers empty, France disobliged, and his own people alarmed, and bent against it with all imaginable resolutions of opposition. Can any man imagine that a person who disarms himself intends to fight?

Besides, what one illegal arbitrary act has he done in his twenty years reign? Whom has he defrauded of an ox or an ass, of life or possession? Where has he in any one instance invaded Magna Charta, our rights, properties or liberties? What bill tendered by parliament, for the security of our lives or fortunes, has he rejected? He passed all without exception. As for the bill for entrusting the parliament with the militia for a limited time, reason then, and experience since, has proved it was a needless encroachment on the royal prerogative, without the least prospect of publick good; and to have parted with that power but for a moment, was for so long to unking and divest himself of a power he could not be certain would be ever restored. As he has freely passed all laws, has he not as chearfully offered to enact any thing that was agreeable to justice and reason, for our further security in religion, liberty, and property?

From these considerations, nothing will appear more vain and idle than our fears and jealousies, our factious and seditious reflections on the government. I will not say, without great caution, but we may run into those very things we so much dread and would avoid, popery and French government, or (which is equally destructive of our birth-rights and happiness) presbytery and a commonwealth. This will be no groundless surmise, if we look back and observe, that the leaven against the established constitution, both in church and state, has sowered almost the whole lump; the poison of presbytery, formerly known by the name of puritanism, hatched at Franckfort and Geneva, grown to a head in Scotland with the reformation, has infected the generality of the kingdom, the common traders and dwellers in cities and corporations, and the unthinking and illiterate part of the gentry, with hatred against monarchy and the church of England. This was certainly the invention of Rome to overthrow us, by thus sowing divisions; they well foresaw our kingdom and church, in itself divided, could not long stand. All the antimonarchical principles are the same in both; the one as well as the other deny supremacy in the king; the jesuit will have the pope, and the presbyter Jesus his head. King-killing and deposing doctrine is disowned by all honest papists, as the author even of Plato Redivivus does confess, though two or three jesuits have privately asserted the opinion as problematical, for which themselves and writings were censured and condemned as false and damnable; but it is justified both by books and practice of the whole presbyterian party; it is so plain and fresh in our memories, I need not instance in the authors. St Peter's chair is not more infallible than that of an assembly of presbyters in a national classis or synod. Men of these antichristian principles stirred up the late rebellion, and being active and diligent, drew in many unwary honest men beyond the power of retreating. Did not the faction here tamper in Scotland, where the promoters of the covenant, that godly instrument, applied to the crown of France for protection, as appears by the letter found with the Lord Lowden, therefore sent to the Tower?

But what was the issue of this contrivance, but confusion and misery through the three kingdoms; the presbyterian party overpowered by the independents, and these again by the army; a commonwealth set up, and soon after turned into a perfect tyranny under Oliver Cromwell, after more money had been illegally squeezed from the subjects by ordinances and loans, sequestrations and decimations, excise, and other impositions, than was ever known before or since? The people (weary) call home their prince, who, by an excess of mercy and clemency, sparing to root up men of these principles, gave way to their infecting others with the same humour of discontent. 'Tis to be observed, that the year 1535 is remarkable for the Geneva Reformation, and the spawning of the

jesuits order, and that our unlucky home-bred divisions were fomented, if not first set on foot, under-hand, by directions from the court of France, as well as from Rome, the interest of that state as well as of the church depending on our distractions; to which end Richlieu, that great minister, employed many pensioners in Scotland, as did also his successor Mazarine in England: And therefore there is nothing more inconsiderate than to think we are not now acting and promoting French designs; 'tis their business to divide us, and yet so to manage the ballance, that they let neither the king nor parliament have the better, or ever come to a right understanding: They can no otherwise obtain the western empire, and it is directly against their interest ever to suffer England to be either a perfect monarchy, or an absolute commonwealth. Those that roar most against French councils and measures, under-hand bargains and agreements between both the kings, know they belye their own conscience, and that the French have us in the last degree of contempt. This the E. of D——[1] printed in his own vindication, perhaps not ignorant that some of their ministers did, in the years 1677 and 1678, before the breaking out of the plot, declare, "That Monsieur L——[2] had greater interest and more friends in England than the D—— of Y——: That the k—— had need be on his guard, for he was in great danger of running the same risque with his father." When it was likewise inquired, "What interest among the people two great peers[3] had, who have since the plot been the great pillars of the protestant religion, though neither was ever reputed to have any, were ministers and advisers in 1670 and 1671, very good friends to France and popery, enemies to the triple alliance, and to Holland, &c." It was also said, "That 300,000l. a year, bestowed in Scotland and England, among the factious and discontented, would better serve the interest of France, than any bargain they could drive with the ministers." 'Tis too well known, that the greatest of these two noblemen made a secret journey into France some weeks before the plot, after some private transactions here with others, among whom were Sir E—— L——,[4] famed for religion and morality, Major W——,[5] and H—— N——, as notorious for the same perfections, and their love of monarchy and hatred of a commonwealth; nor did A—— S——[6] want his share in the consultation, a stout asserter of prerogative, witnessed by his and others living out of this kingdom ever since the king's restoration, until they saw some likelihood of a change, the one returning about the time the D—— of B——,[7] and the other lords were in the Tower, and the other a few months before the breaking forth of the popish conspiracy; which no sooner came before the parliament, than some of the great lords of the committee, for the examination of the plot, kept their consultations, and managed much of that affair at Wallingford-House, Major W—— their secretary, where they concluded to take hold of this opportunity for the carrying on some long-hatched designs of their own. Nor is it to be forgotten that in June before, a letter was wrote by an eminent person of the faction, and can be now produced, "That very shortly somewhat would be discovered, that would prevent our much longer walking in the dark; and that one of the greatest lords sent to an astrologer, to know whether he was not in a short time to be at the head of 60,000 men." The methods agreed upon in France, and pursued here, were to make a court and country party, to sow and disperse jealousies between both, and widen the gap with all possible devices; which resolutions some here were the sooner induced to embrace, upon this consideration, That they should not live to see the issue, and were unconcerned for what should come after: But yet I am so charitable to think, if we have any French agents at home they are imposed upon by their own unwariness, and the others cunning, to act rather against than with their knowledge, a part so much contrary to the interest of England

[1] Danby. [2] Louvois.
[3] The Duke of Buckingham and Lord Shaftesbury, both members of the Cabal Administration.
[4] Sir Ellis Leighton, notorious for profligacy. [5] Walcot, afterwards involved in the Rye House Plot.
[6] Algernon Sidney. [7] Villiers, Duke of Buckingham.

and the duty of a christian. But however it be, I am morally assured we are doing their work; and if we are not knaves and pensioners, we are blockheads and fools, that are blind and besotted like men prepared for destruction: *Quos* Jupiter *perdere vult, hos dementat.* If any one talks thus, he is presently called a papist and a tory; every true son of the church of England, and loyal subject, is branded with nick-names, and run down by noise and faction; and he that opposes popery, if he defends not presbytery, is but a protestant in masquerade; if he commends monarchy and our legal constitutions, to the discredit of a commonwealth, he is a rascal, a villain, and a dangerous person, not considering that we are made tools and instruments for French purposes, betrayed by their cunning and address to forward and act with our own hands our slavery and ruin. Shall we be still blind and deaf to reason and demonstration? Can we not reflect upon the French double-dealing in our late civil distractions, and remember what the Lord Keeper Puckering tells the parliament in Queen Elizabeth's days, That the puritans, even at the time of the Spanish preparations for invasion, were urging and pressing intestine commotions; where he largely sets forth their being as dangerous to the crown and mitre as the others, and therefore that both were to be equally suppressed, papists and puritans. I cannot find that either have since altered their principles, and consequently cannot but wonder why the papists should be persecuted and the other countenanced, even against law and former statutes. 'Tis surely very imprudent to expect your house will be warm by shutting a window, and setting open the doors; and therefore, because in this I can freely agree with Plato Redivivus, that the fear of popery is not the cause of our present disturbances, I shall, without regard to religion, consider the papists and presbyterians as two factions in the state, like the Arminian and Lovastein parties in Holland, and as such pronounce that both are to be suppressed, or neither; because, by emptying only one of the scales the ballance is broken and the court or monarchical party is first weakened and destroyed, and after, the whole form of government altered into that of a commonwealth; and I am fully convinced, if that had not been that author's design, as to an ordinary reader is past doubt, he would have set down this as one of the remedies of our present evils. But the contrary was his purpose, and, in order to do it, he cunningly, to preserve the monarchy, would set up a plain democracy, and for an English king obtrude upon us a Doge of Venice; for he tells you at large, that the ancient power of the king is fallen into the hands of the commons, and therefore, to keep up the former illustrious splendor of the crown, he would have all its jewels taken out, and set about the speaker's chair, the king made a cypher, and divested of all power but the name, to keep up the three several and distinct shares in the government, king, lords, and commons 'Tis an ingenious way of arguing, but we are not yet, I hope, such fools to have it pass, to venture at play, and not know how to distinguish false dice.

Oh! but says a factious petitioner, that takes the House of Commons (sufficiently proved by the learned answer to Petyt's book, to have had no share in the legislative power) to be the parliament; all their votes, how wild and unreasonable soever, as we have lately, as well as formerly, seen in print, to be the sense of the nation, and have the force of laws, and yet deny any authority to the king's proclamation. This scribbler (says he) is popishly affected, a French designer, a mere tory, not considering that there is not less hazard in splitting upon a rock than upon a sand-bank; that if I must be a slave and forfeit my liberty, 'twere, at least, as good to do so under a single person as more: the tyranny of many is much more intolerable than that of one. 'Tis equally destructive of my liberty, whether the king or the House of Commons take away Magna Charta; I am still against arbitrary government, ruling according to pleasure, not the laws and known constitutions of the land, whether assumed by king or commons; if there be any choice, the odds is against the latter. And, to speak truth, by what has passed since the plot, any one in his wits would believe the king is invaded, not an in-

vader; that his frequent prorogations and dissolutions have been his legal defensive weapons, used as much for his subjects security as his own honour; that arbitrary power is a delicious thing, and therefore aimed at by our demagogues and tribunes of the people, bad and to be decryed only while in the sovereign. 'Tis very convenient to cry *whore* first: Solomon tell us, "He that appeareth first in his own cause seemeth just, but his neighbour cometh after and proveth him." If the people in an island are alarmed that an invasion is designed, and that only at one port, and they become so foolish as for the guard of that to neglect and expose all others, they do but make the easier way for their enemies to land and overcome. Those who are the watchmen, the centinels of our safety, ought with Janus to have two faces, one behind and the other before, and many eyes like Argus, there being otherwise no security against surprise. I remember in Thucydides, that the Grecians besieging a strong city found no means but stratagem to become masters, which they thus contrived: After they had purchased some pensioners within, they kept the besieged awake, and put them into great distress by continual false alarms, and, as designed, prepared to believe nothing more was intended than amusement and distraction. The false citizens within taking this advantage, affirmed they ought for the future to make it death for any watchman to give the alarm. This decreed notice was given to the enemy, and, without the least resistance, the besieged were taken and undone, when and where they least suspected; whereupon this proverb was taken up, *Amyclas perdidit silentium:* I wish we may never run the same fate. The application is too easy and natural to be dwelt upon.

And yet I cannot but take notice how the late House of Commons have assumed to themselves a power extraordinary, and by a vote, without proof or conviction, made eminent men and known protestants guilty of popery and French designs, made them advisers and counsellors according to their own fancies, imprisoned several during pleasure, seized closets and writings without information, and contrary to Magna Charta; voted acts of parliament, made for the preservation of the established religion, useless, and their execution grievous to the subject, against the protestant interest, and an encouragement to popery, &c.; and among these, which is most wonderful, a law made by the darling Queen Elizabeth, who cannot well be supposed to have been a friend to popery. If these be not odd and arbitrary proceedings I know not what are, nor why that should be tolerable or lawful for them which is not for any, no, not for our sovereign. Considering men are afraid the abettors of such practices are not friends to peace and quiet, but rather factious and dangerous, willing to enslave us to foreign invasions or domestic encroachments; whatever may be said to the contrary, these actings are but too good grounds for such apprehensions. The cunningest whores seem most devout, and inveigh very bitterly against the lewdness they daily study and commit. Your rooking gamesters abhor, if you will believe their shams and oaths, the use of false dice, and the un-gentleman-like trick of cheating. However, none but cullies, who want wit or years to make observation, can be wheedled and drawn in by such pretences.

Before the discovery of the plot, our ministers were reflected on as designing popery and arbitrary government, by many scandalous pamphlets, and one in particular called An Account of the Growth of Popery,[1] &c., as if the people were to be prepared to be-

[1] Written by Andrew Marvell, the well-known author of the Rehearsal Transposed, and of several poetical satires against the person and government of Charles II. Marvell himself had been in his youth a proselyte to popery, and the ability with which he exposed the arts of the Romish missionaries, together with his fierce and determined strain of argument, rendered his work very popular. The full title was, "An Account of the Growth of Popery and Arbitrary Government in England; more particularly from the Long Prorogation of November, 1675, ending the 15th of February, 1676, till the last Meeting of Parliament, the 16th of July, 1677." In this tract, our author, having imputed the Dutch war to the corruption of the court, asserts that the papists, and particularly the French, were the true springs of all the councils at this time. These and several other aspersions upon the king and ministry, drew the following order, published in the Gazette: 'Whereas there have been lately printed and published several seditious and scandalous libels against the proceedings of both houses

lieve the whole court was popish; that while they were alarmed against that party, they might be unprovided to defend themselves against the other. The presbyterian true blue, who, like Æsop's cat, though transformed into the beautiful shapes of court employments and honours, will still be hankering after the old sport of mousing; they will ever be lovers of a commonwealth, and enemies to monarchy. This is plain from former as well as later proceedings since the discovery of the popish plot, when they began to shew themselves in their proper colours, when they cryed not only the court but the church was popish, and all that are for the established government. You cannot now be loyal, uuless you are factious; nor a protestant, if no presbyterian. But pray observe, that none tell you this but the spawn of those seduced or concerned in the late rebellion, men turned out of, or that would get into, court-employments, that account themselves slighted or disobliged; men of great ambition or of desperate fortunes, who make all this noise and clutter to be taken off. To what purpose else did the late House of Commons make the vote against the bargain or hopes of court-preferment, but that such a design was driving between some leading members and courtiers? Can they, after such a discovery, pretend zeal for religion and the good of their country? For shame! let not faction and private interest make men forgetful of the publick, of the peace and quiet of the nation: let them secure our constitutions against the encroachments or invasions of any, whether presbyter or papist, and remember that the most forward in the Long Parliament were soon turned out by others, and because what is sauce for a goose is sauce for a gander, this of course will be the fate of those who now glory in being ringleaders of faction, to thwart and oppose their sovereign; nay, it may possibly be worse; the gentlemen, the knights of the shires, may be kick'd out by mechanicks, by citizens and burgesses, for he who practiseth disobedience to his superiors teacheth it to his inferiors. Sir W—— J——, Sir F—— W——, Col. T——, &c., all know, were disobliged, and if taken into favour, the employments and honours they covet would stand up for the court, as much as now they do against it. Whether the petitioning lords be not of the same temper, will best appear from the story of every single person. One of them [1] has the humour conveyed with his blood; his father was a gentleman that appeared zealous in the Long Parliament for the good of his country, being the first that brought in the complaint of ship-money; but soon after, when he was made a lord and courtier, he changed notes, and sang another song; no man was more for the monarchy; in its defence he lost his life, and at his death publickly repented his actings against the Earl of Strafford.[2] His son was made an earl upon the king's return, sent embassador abroad, and made lord-lieutenant of Ireland, to get which command he despised not the courtship and assistance of Col. T——,[3] though a roman catholick, and a creature of his royal highness, to whom he made no slender professions:

of parliament, and other his majesty's courts of justice, to the dishonour of his majesty's government, and the hazard of publick peace, these are to give notice, that what person soever shall discover unto one of the secretaries of state, the printer, publisher, author, or hander to the press of any of the said libels, so that full evidence may be made thereof to the jury, without mentioning the informer, especially one libel, entitled An Account of the Growth of Popery, &c., and another called A seasonable Argument to all the Grand Juries, he shall have fifty pounds for such discovery as aforesaid, of the printer or publisher of it from the press, and for the hander of it to the press one hundred pounds," &c.—*Biogr. Brit. V.* 3056.

[1] The Earl of Essex, whose tragical fate is well known. He was son of Lord Capel, whose history is here alluded to. With Falkland, and many of Charles's most gallant adherents, he opposed those arbitrary courses of the crown which introduced the civil war, but chose, between two evils, to support the monarchical against the democratic part of the constitution, when the contest came to a final and bloody issue. "The king," he said in the House of Peers, "had granted so much for the security and peace of the kingdom, that those who demanded more must intend its disturbance." After defending Colchester to the last extremity, he was condemned to die by the pretended high court of justice, and suffered in January, 1648.

[2] At his death, Lloyd informs us, he reflected bitterly upon what he called his cowardly compliance with a prevailing party in voting for Lord Strafford's death.

[3] Talbot, afterwards Earl of Tyrconnell.

not being satisfied with gaining vastly in that station five years, he grows peevish, in hopes of being sent the second time; nay, rather than fail, he is content to be commissioner of the treasury, in hopes that by the courtship and interest of some women, no matter what religion they are of, he may come to be lord treasurer: but not like to gain the white staff, and perhaps not caring to govern an empty exchequer, he bent his thoughts again towards Ireland, then slighting the treasury, he is outed, and grows more discontented, and at last turned out of the council; the next day he repeats a speech of the E—— of S——'s making, and, unasked, presents a piece of counsel and advice to his sovereign, pretending, as a peer, it was his duty. I am sorry his zeal made him forget that peers have no right of advising the king but when he makes them of his council, or by writ summons them to parliament. And what is very odd, he advises just the contrary to what he and the other noble earl had done the year before, when courtiers. This nobleman's life [1] would make a comical history; he knows how to put on all shapes, and in the late times was not ignorant how to make an apple-tree supply the place of a pulpit; he knew how to serve himself in all turns and changes, and has not failed, since 1640, to have been often out and in with the several higher powers. To give him his due, he is a man of extraordinary parts; but, if one of these lords said true when he was a courtier, and the other newly removed, they are all fitted and turned for confounding and amusing, but not for extricating out of difficulties. He wants not wit to hold forth in the house or in the open air upon occasion; nor is he meanly skilled in the methods of court pleasures as well as business. He must have an ill memory that forgets who advised the breaking the triple-league, and making an alliance with France and a war with Holland, pronouncing, in the language of the beast, *Delenda est Carthago*, that a Dutch commonwealth was too near a neighbour to an English monarch; the shutting up the exchequer; the granting injunctions, in the case of the bankers; and, lastly, the source of all our present misfortunes, the general indulgence. These things being found of ill consequence, and the ministers removed, as designers of popery, presbytery, atheism, irreligion, arbitrary or French government, must any of such principles, as soon as turned out of court, be received into the country, as if these two had different interests? Whoever say there is more than one commonweal in both are deluders and incendiaries, and betrayers of the nation. Those that strive to divide the king and his people are to be looked upon as pensioners of France, and ought to be most severely punished. There are that can tell tales what great man, since the plot, offered a reconciliation with the D——, and, for a restoration to his former power and greatness, would be his servant to all intents and purposes: but the D—— could not be persuaded that one who had as often changed parties, as Proteus his shapes, and the cameleon his colours, could be true to any interest but his own, and therefore rejected his many messages on this subject. Another peer,[2] whose son in the lower house is the great tribune of the people, would have had a dukedom added to the garter, to make both sing to another tune. A fourth would fain be a privy-counsellor in reversion. A fifth, not long since, at any rate of purchase, would have been master of the horse to the duke. Strange! that a protestant lord should think of serving a supposed popish prince, and afterwards hope, though thus mounted on horseback, to get to Heaven. It would be tedious to give particular accounts of all; only by the way observe, that a young lord,[3]

[1] The Earl of Shaftesbury, from the versatile nature of his politics, was sometimes nick-named Shiftesbury. His defenders have found it hard to apologize for the inconsistence with which he became the head of a violent opposition to a court, of which, while one of the Cabal Administration, he had sanctioned the most violent of measures.

[2] Earl of Bedford, father of the celebrated Lord Russel.

[3] Lord Mulgrave, afterwards Duke of Buckingham. His ill humour against the court did not last long, for he opposed the Exclusion Bill during all its progress. His expedition to Tangiers is said to have been a sort of honourable banishment from court, owing to his having testified an indiscreet attachment to the princess, afwards Queen Anne.

newly come to age, owned himself to his majesty disobliged, because, after a voyage to Tangier, his great valour there shewn, and spending his youth in his prince's service, (these were his own words to the king,) another was preferred to the command of Lord Plymouth's regiment. I cannot but commend this nobleman's ingenuity in owning the true cause, and not pretending, as others, conscience and public good for his motives. But I am sorry he should forget not only the obligations of gratitude, which he is under for his bread and for his honour, but also who says, Appear not wise before the king, and give not counsel unasked. He has learning enough to understand the meaning of *in consilium non vocatus ne accesseris.* It is to be hoped he may repent, and with more years his wit may be turned into wisdom.

As for the D—— of M——,[1] I believe him perfectly drawn in by designing politicians for ends of their own, who never intended him more than as an useful tool, afterwards to be laid aside. It is no wonder that one of his youth and spirit should be tempted with the baits and allurements of a crown; the splendour and gaiety of power has blinded many elder men's understandings. But that they never had him in their thoughts for K—— appears from the author of Plato Redivivus, and indeed if they had they went the wrong way to work. They should not have engaged him so far, as to deserve to be turned out of his command as general,—a post that would have best enabled him to seize upon and make good any pretence to the crown, after the death of his majesty. I am apt to believe his grace is sorry for what is past; I am certain it were his interest to throw himself at the king's feet, and quit the counsels of those men, who, intriguing for themselves, puff him up with false hopes, and yet sufficiently discover that nothing is farther from their hearts than his exaltation, or what is so much in their mouths, publick service to the king and country. It is much better for him to be content with the second place in the kingdom, than by pretending to the first, against all manner of reason, and the obligations of gratitude, forfeit all his fame and honour, life and fortune.

The petition being already answered, I will only observe, that his majesty, intending to turn them out, sent Mr Secretary to the E—— of E——[2] for a list of the papists he mentioned in the guards; but the noble peer had none to give, so may be supposed to have taken the story upon hearsay, from some that had the malice to invent it. And now must the nation suffer themselves to be rid by any faction, because (designing particular advantages) they gild all with the specious pretences of religion and loyalty, particular respect for the church of England by opening her doors to all dissenters, and for the monarchy by clipping the king's power to prevent the papists contrivances against his person? Examine whether the zealous sticklers for the protestant religion have any at all; or, if they have, whether it be not as far from that established by law as popery? Whether, if the king would grant all their desires, receive them into offices and power, they would not stand up in justification of the court as fiercely as now they do the contrary? What has been before may well be expected again. He that considers this, and that malice never spoke well of any, will give the factious little credit, especially when, against reason and sense, they would impose upon us that the king himself is in the plot; or, as one of the members in a printed speech tells the house, "The plot is not so much in the Tower as in White-hall; there it is to be searched for, and there to be found." And all this because he will not unking himself, and put his crown into their hands, and, against law, his coronation oath, and brotherly affection, pass the bill of exclusion, to the prejudice of himself and the whole kingdom. This is

[1] The unfortunate Duke of Monmouth, with talents sufficient, when added to his exterior accomplishments, to have graced a peaceful court, fell a sacrifice to an excess of popularity, and to the ambition of those advisers who pushed him into measures which he was unequal to carry through.

[2] Earl of Essex, who wrote a letter to Charles, remonstrating against the employment of papists in the royal guard; but, being desired to produce a list of the catholics in that body, he was unable to comply.

not a single or private man's opinion, but the judgment of the supreme tribunal of England, the House of Lords, where, upon the first reading, it was thrown out, with the odds of sixty three against thirty-one; for which reason their lordships are called masquerading protestants, tories, papists, or their adherents; as if the lords must not be allowed the privilege the commons take with any of their bills, without censure and affront. But why for their act must his majesty be loyally libelled and aspersed? It had been time enough, one would have thought, to have called him papist, &c. had he rejected the bill after it had passed both houses. Oh! then who could have doubted but his doing more against the papists than any of his predecessors, had been promoting their interest; that his pardoning no man condemned, nor stopping the execution of any law against recusants, was making it no plot; and that passing the test was letting in popery by wholesale? He that can believe these things is prepared for any thing; to say a lobster is a whale, or a whale a lobster; that the moon is a green cheese, and the sun a round plate of red-hot iron; and then. I presume, it may not be decided whether we are fools or madmen. Let us not thus idly and unjustly belye our consciences, and publish to the nation and all the world, that nothing can secure us against popery but the shaking and alteration of the monarchy by the bill of exclusion, an act in itself unjust and impolitick both for the king and people. No man is to be punished *ex post facto* by the law of this and all other countries. Besides, why should the duke, more than any fanatick of England, be outed his birth-right? The scripture says, "You must not do evil, that good may come of it;" and prudence will tell us, that this is an evil that must be attended with greater; for the minute that it passes, the duke is at liberty to recover his right by secret or open violence, force foreign or domestick; he is declared an enemy and a traitor; condemned without trial or conviction. This piece of injustice must be defended by an association, or an army; this army must be entrusted in the hands of the king or a general; either may make himself absolute and arbitrary; and therefore, if people are now afraid of slavery from the government, what may then be their apprehensions? And if they are jealous of the king, what general will they find to entrust? Those meanly skilled in history know that commanders of armies have at pleasure subverted commonwealths and kingdoms. Agathocles, from being general, became tyrant of Syracuse; Pisistratus of Athens, Sforza of Milan, the Medici of Florence, the Cæsars of Rome, and (not to go so far off) Cromwell of the three kingdoms. Most of the Roman emperors were dethroned by their generals; and therefore this cannot but make the king as unwilling as the people to entrust this great power in any person. And yet, without such a trust, the act of exclusion is not worth a straw; nor with it can we be secured against slavery, whether the duke conquer or be overcome. The duke will still find a party, at least if he outlives the king, in the three kingdoms to fight his quarrel; and if he comes in by force, he may well use us like a conquered nation; break our old, and give us what laws and religion he pleases; whereas, if we attempt no such thing, we shall not run the hazard of a civil war, the king being as likely to out-live as to be out-lived by his brother. If he should chance to succeed peaceably, he cannot be presumed to offer any alteration in religion so much against his interest; and who never forwarded any in his own family, suffers his children to continue in the church of England, knowing that Christianity forbids compulsion for its propagation. To say he would be priest-ridden, is ridiculous.—Why he more than the French king, who openly opposes the pope's usurpation, and assumes to himself the cognizance even of church affairs? This is but a pretence to impose upon the ignorant and the credulous: If there be not laws enough already, new ones may be made to prevent any such intention. When all offices and power are in the hands of anti-papists, I cannot see where can be our danger.

But this, if granted, would not be all; the monarchy is hereby made elective, and the possessor may as well be removed as the successor debarred. In order to this, is there

not a History of the Succession published, shewing that the monarchy is rather elective than hereditary? Of which here I will only say, that the writer is a notorious plagiary, and steals all out of a seditious book, wrote on the same subject by Parsons, the jesuit, under the name of Doleman, in Queen Elizabeth's time, with a design of distracting the people, and making way for a Spanish conquest and inquisition; the presbyterian transcriber proves himself of the same jesuitical principles, and, with equal honesty, pursues the same ends, usurpation and slavery. 'Tis not to be doubted, but that there has been frequent interruptions of the succession of the crown; but no title but that of the sword was ever put in ballance with proximity of blood; and he that will oppose fact to right is very unjust, and argues not upon the principles of morality, nor the laws of nations. Much such another good Christian is the writer of The Appeal to the City,[1] who tells us, if we set up a king with none, or a crack'd title, we shall have the better laws; and instances that Richard III., an usurper, a murderer, and a tyrant, made excellent statutes. But he might, had he been just, have found the laws of that king outdone by those of our present sovereign, whose title none can question.

And yet it is not unreasonable to suspect a design on foot of subverting the monarchy, if it be considered that the passing the bill against the duke will not alone satisfy his adversaries, who further expect that all those now firm to the king be removed, and their trust put into confiding hands; and thus, when they had him in their own power, it would be no hard matter to act their pleasure.[2] The speech, disowned by the protestant lord, and burnt by the hangman, (a fate the author does certainly deserve,) tells us in plain English, "We must have a change, and a king we may trust, and well-affected counsellors," with much more treasonable and seditious stuff. These things, and the frequent mentioning the fates of Edward II., Richard II., and Henry VI., cannot but alarm his majesty, and restrain him from ever complying with such persons against his only brother. He has so often affirmed the bill should never pass, that he cannot now, without diminution of his own honour as well as safety, alter his well-grounded resolution, taken upon the sense of conscience and duty, the present and future good of himself and people: an act that would be the highest violation of Magna Charta, that ordains none should be put by his birth-right and inheritance, but by the law of the land and legal process: And therefore, I hope, what cannot be supposed to be granted will no longer be insisted on, lest the consequences prove fatal.

One thing I cannot but admire, that the duke should be absolutely excluded on supposition of being a papist, for, otherwise, he is allowed by all to be a prince of incomparable virtues and endowments, leaving no room for enjoying his right, in case he become protestant. Do they suppose an alteration of opinion impossible? That's false and foolish. There are instances of men that have changed often; and, to mention no more, the duke's grandfather, Henry IV., twice altered his opinion. Besides, it is unjust, and contrary to their own practice; for L—— B——[3] was an imprisoned plotter, but as soon as he became a convert, without further process or trial, he was innocent and acquitted. We do, in this, exceed the papists of France, and condemn our protestant ancestors, and all others abroad, who accused them as antichristian and rebellious,

[1] This appeal was one of the most violent tracts of the time, written, it is believed, by the notorious plotter Ferguson, under the eye and correction of Shaftesbury. It insinuates the measure of settling the succession on Monmouth. It is more fully noticed in the preceding tracts concerning the Black Box.

[2] This passage is explained by another in a memorial of the Lord-keeper North's, inserted in the Examen, page 153, in these words:—"The Prince of Orange, when he came into England, [July 23, 1681,] pushed the king extremely to satisfy the nation, and to agree with his people. The king bid him ask any of the discontented party what would do it, and what were their whole demands. He conferred with some, and told the king, there was no undertaking for an assembly, for they would do what they pleased: but there must be more than the bill of exclusion; for that was but parchment, which was nothing. The king, thereupon, understood that they must have the militia, &c.

[3] The Duke of Buckingham.

for opposing their lawful King Henry IV. on the score of religion; for the Parisians loved his person, and stood upon no other condition than his turning papist to receive him for their sovereign, as all the other R—— C—— of that kingdom had done before. And therefore I very much suspect we are grown weary of monarchy, and, with an inconstancy natural to islanders, affect a change, though for the worse. To this I am induced by many reasons, and not a little from a protestant lord's speech the last sessions, "That the people of Athens were so fond of good King Codrus, that they resolved to have none after him." But to attempt this piece of folly and wickedness will inevitably embroil us in a civil war; and of that the event is so uncertain, that we ought to dread the loss of all by striving to enlarge our present liberties. This madness ordinary prudence will carefully avoid, because, in all probability, the king would get the better; his condition is not like his father's; he has standing troops, which the other wanted, to guard his person; he has the militia in his own hands; he has no Scotch nor Irish rebellion to divide or distract his forces; and, above all, he has the parliament in his own power, to let them sit or not sit, at his pleasure and their good behaviour: And 'tis happy he has this power to secure himself from popular fury, at this time especially, when whatever the papists have done, we daily see others run into clubs and cabals, distinguishing themselves by green ribbons,[1] by general-committees and sub committees, where all transactions of parliament are first designed and hammered, collections made, a common purse managed, and agents employed in every county to prepare and influence the people, write and disperse false news, libels against the government, addresses made and sent into every shire and borough; and, if the members do not go down to their elections, they can print for them such speeches as serve their purpose: witness one my Lord Vaughan spoke at his election, though his lordship was not out of London. I have not heard before that Sir Samuel Morlan's speaking-trumpet could convey a voice a hundred miles distance. But this is nothing with our true protestant intelligencer B—— H——,[2] who printed an address from the city of Colchester, that never was seen or presented by any of the inhabitants, as by an instrument under the town-clerk's hand does plainly appear: For though swearing be, lying is not against the interest or practice of the godly, the presbyterian, true offspring of the Ignatian fathers, who outdo them in the doctrine of *piæ fraudes*, as well as in all other their immoral and antimonarchic principles.

And now, considering that none that have any thing to lose can ever get by a rebellion, and that there is no just pretence for one, our liberties and properties not being broken or invaded, the rich, unless they are mad, will never begin, and yet with or without their assistance a rising of Jack Cade or Wat Tyler, instigated by greater persons, will but enlarge the regal power, and enrich the crown: And for these and many more reasons, I look upon the threats or fears of rebellion as idle and vain as our jealousies and apprehensions of popery, never possible in England but by a civil war, since their numbers here are but as 1 to 230; and by an exact calculation in the three kingdoms, the whole number of papists is but as 1 to 205 non-papists; and their wealth and possessions is not 1 to 300. If their power had been so terrible, they wanted not, since the plot, provocations to make us feel as well as hear of it. But these noises are like armies in disguise at Knights-bridge, and regiments of horse hid in cellars under ground, and blowing up the Thames to drown London; artifices formerly used to draw in the easy and the credulous. But it is to be presumed the same trick will not pass twice upon us in one and the same age, while the bleeding wounds of the last are still so fresh in our memories. To remedy and compose our present madness and distractions, and prevent future evils, must without doubt be the hearty endeavour of

[1] Green ribbons were the badge of Monmouth's, or rather of Shaftesbury's party, which, to use a modern phrase, was completely organized for revolution.

[2] Benjamin Harris, a whig publisher of the times, often mentioned. His Protestant Intelligencer, a periodical publication, was the gazette of the party, in which the addresses for a parliament regularly appeared.

all honest men, who expect this will be a healing parliament that will make up all our breaches, and unite our divisions by the methods of prudence and discretion, weighing the true causes, and applying fit remedies, without regard to faction or interest, heat or passion; reflecting how unreasonable it is to suspect in the king or his ministers any design of introducing popery and arbitrary government, a malicious and idle invention, set on foot with purpose to enflame the kingdom, by men who are outed, or desirous of court employments, disobliged persons, or French pensioners: That the bill of exclusion is not like to pass either the lords house or the king, because in itself unjust, impolitick, and dangerous, not only to the prince but to the subject: That all other legal ways for preventing popery and presbytery are to be taken by those who design the preservation of the established monarchy and religion: That this is already, or may with ease, be secured against the attempts or power of any popish successor: That our fears in this point are groundless, and at best founded upon accidents that may never happen: That 'tis the highest imprudence to run into real, present, to avoid possible, future evils: That innovations of this sort would be against the prince's interest, who, having not a fourth part of the revenue necessary for the support of the crown, must be under a necessity of complying with his people in parliament; and that his temper, practice, and declarations secure us against impositions of this nature: That it be considered, whether the unquiet apprehensions from the plot may not be laid by a speedy and impartial trial and execution of all the accused and convicted, and the king's afterwards granting a general pardon, with such exceptions as have been usual The doing this will beget a right understanding between the king and his people, defeat the contrivances of our adversaries, restore us to peace and quiet at home, rescue us from contempt and danger abroad, and make the name of parliament as famous and renown'd as some libellers endeavour to make it base and odious. How this is to be compass'd you yourselves are deservedly made the judges, and therefore I will not, like the foolish orator, teach Hannibal the art of war. *Fiat justitia, et ruat Cœlum.*

Miracles revived, in the Discovery of the Popish Plot by the late Reverend Doctor of Salamanca. 1682.

A tract in ridicule of Titus Oates, whose daring effrontery and powerful memory were not able to clear his plot of the falsehoods and inconsistencies here objected to his evidence. He pretended to have taken his degrees at Salamanca, which procured him, amongst the tory satirists, the name of the Salamanca Doctor.

It is a vulgar error, that miracles are ceased in the reform'd churches. To confute which paradox we shall here produce some (among many) such demonstrative arguments and instances, taken from the acknowledged miraculous discovery of the Popish Plot, made by that famous minister of the gospel and learned Doctor of Salamanca, T—— O——, as none but papists, and popishly affected, can have the confidence to deny.

I. The doctor (out of pure zeal to discover popish intrigues) profess'd himself a papist; renounced the protestant religion; adored and received the consecrated host; took dreadful oaths, even upon the sacrament, to practise and pursue most hellish and bloody designs for divers years together; yet all this while remained (as he says) a real, sincere, and constant protestant.[1] If this be not a miracle, the devil's in it.

II. The doctor (good man) to save his majesty's life, had wheedled the jesuits out of all their secrets.[2] He knew the very time when Groves and Pickering laid daily wait to shoot the king; he hourly expected the horrid effects of Sir George Wakeman's poison; he was privy to the design'd assassination of the king at Windsor; he was certain the ruffians were actually upon the place; he saw the money sent them for expedition, and every moment waited to hear the fatal blow was given; yet (see the wonderful strangeness of the thing) neither the doctor warn'd the king of his imminent danger, nor did the king all this while (God be thanked) suffer any the least harm. This is miracle upon miracle.

III. The doctor assures us,[3] there were huge armies of English papists (besides wild Irish and Spanish pilgrims) raised for immediate service; yet ('tis strange) not one man of them ever appear'd: These swarms of papists were to be arm'd with swords, guns, black-bills, fire-balls, &c.; yet none of these magazines could ever be found. Oates saw and deliver'd not a few patents, bulls, and briefs; he read whole bushels of letters and packets, all containing damnable treason; nay, he could punctually recite upon his fingers' ends the express words of almost every letter; yet (still more strange) neither he, nor any one for him, could ever produce one single patent, one letter, one scrap of paper, whereby to testify the truth of the rest. Here is a whole heap of miracles!

IV. The doctor, immediately before his discovery, though he had both the purses and lives of the conspirators at his command,[4] yet, at the same time, was ready to starve, and begg'd at the papists' doors for bread. This is as strange as if it were a miracle!

V. The doctor, before the king and council, swore he never knew, nor had seen, either Mr Coleman or Sir George Wakeman, until he then saw them there present at the council-board.[5] The like ignorance of Mr Corker, or his concerns, he attested at the taking of Pickering in the Savoy; yet, at their several trials, he knew them all, and had been their intimate acquaintance and bosom counsellor. This surely is no small miracle!

VI. The doctor was personally in London and at St Omer's at the self-same time; he saw and spoke with Mr Ireland in London, that very moment Ireland was in Staffordshire.[6] Nay, if this be not sufficient, he was really present, disputed, and took degrees at Salamanca; yet never was seen or heard there. These are swinging miracles!

VII. The doctor swore, before the House of Lords, he had declared all he knew against any person of what quality soever in England;[7] yet, afterwards, he accused one of the best and highest persons in England[8] of the blackest crimes hell and malice could ever invent. This, if it be not a miracle, is at least a monstrous prodigy!

VIII. The doctor once deposed, Mr Bury was a very honest harmless man;[9] yet, afterwards, when the said Bury gave evidence against him, he swore he was a notorious priest and jesuit.[10] This is a miracle the wrong side outwards!

IX. The doctor formerly swore absolute impossibilities against the papists in behalf of the king;[11] now he swears moral improbabilities in behalf of the dissenters against the king. This is a presbyterian miracle!

X. The doctor is a preacher of the gospel, yet no Christian; a priest, yet not baptized.[12] This is little less than a miracle!

[1] Stafford's Trial. [2] Oates's Narrative. [3] Oates's Narrative. [4] Stafford's Trial. [5] Coleman's and Wakeman's Trials. [6] Five Jesuits Trial. [7] Stafford's Trial. [8] The queen. [9] Coleman's Trial. [10] Castlemain's Trial. [11] Colledge's last Trial. [12] Oates's father is said to have been an anabaptist ribbon-weaver.

XI. The doctor swore that Mr Elliot, (a minister of the church of England,) having been a circumcised slave, had poisoned his patron; yet, (O wonder!) the same patron is now alive again, and ready to attest the direct contrary. Now we hope none will deny but that the raising of the dead is a grand miracle!

XII. The doctor preach'd a sermon, wherein he affirm'd, the crucifixion of Christ was not available to salvation, &c.[1] This indeed is not a miracle, but it is a piece of the newest and most refined true-protestant-reformation ever yet come to light since the primitive times of blasphemy and atheism, and may justly give a lustre and credit to all the other miracles here attested.

If it be objected against these solid proofs, that, for a profligate wretch, of a lost conscience and a desperate fortune, allured by gain and encouraged by indemnities, to swear palpable contradictions and nonsense, is no great miracle;* it is answer'd, the less the miracle is in so swearing, the greater still the miracle is in being believed, especially when sodomy, buggery, felony, nay, and perjury too, proved upon him by his own supporters, D——, T——, and S——,[2] shrewdly diminish the credit of his evidence. This is a miracle with a witness!

Thus I have in short (omitting hundreds of arguments more of the like nature) clearly demonstrated, not only that our renowned doctor and swearing-master hath wrought grand miracles, but also that the magnitude of the miracles and the holiness of the saint bear equal proportion.

Ex Ungue cognosce Leonem.

To the Right Honourable the Lords and Commons, assembled in Parliament; the humble Remonstrance and Petition of English Protestants against English and Irish Papists.

It is not a time now to dispute, but act, and that vigorously too, or England's lost. Popery, that enemy to God, by setting up idols; to Christ, by its new-found mediators; to the Holy Ghost, by putting a pope in his place; to the Scriptures, by its legends and corrupt traditions; to reason, by its imposed absurdities; to common sense, by its most foolish, but most idolized transubstantiation; to all tender dissenting consciences, by fire and faggot; and to all civil government that refuses to be subject to it, by plots, assassinations, and horrid massacres, its usual and notorious steps to worldly advancement. This monstrous popery, this common enemy to mankind, that hath so often contrived our ruin, and several times been at the very point of effecting it, has once more attempted us, and with that violence and design, that it looks like the last time: nay, the great sticklers of it are got within our works, and promise themselves the garrison, because they say they have friends in disguise among us. 'Tis true they have lost some men in the attempt, but they are not much daunted at that; for the whole papal world they brag have conspired their success, and the air rings with the thousands of masses that are daily said for the prosperity of the design, as if their intention

[1] Before the Company of Weavers.

[2] Colledge's Trial, where the evidence of Dugdale, Turberville, and Smith, all heretofore witnesses for the Popish Plot, was opposed to that of the grand discoverer Oates, whom they had so long supported.

were to convert the world, and not to kill the king, garble the parliament, shamble all good and sober protestants of every party, fire and plunder cities, and, finally, change the government and religion of the kingdom, which is the plot.

Nor will the more impudent of them deny the thing in general, but much the contrary, insulting us with *Tertullian's Implavimus omnia* against the old pagans. We fill your courts, your armies, your navies, it must take, you can't avoid it; 'tis a just cause to extirpate hereticks root and branch.

But one (and may be the worst) part of the plot has failed them; they resolved to surprize you, to make a night work of it, to let you and yours never see day more, (for such deeds become darkness,) as they did in France and Ireland in those most bloody massacres of poor harmless protestants. But God, the infinitely good and gracious God, that hath always watcht over this poor island, (an hundred times designed to destruction,) and whose eye pierceth through the secrets of men, hath, notwithstanding the greatness as well as multitude of our sins, (not to be equalled by any thing but his patience and compassion,) discovered this impious conspiracy we hope too early for the plotters purpose. He has beaten up our quarters, and given us the alarm, if we will take it; methinks we should, where the noise of fire and sword is in our ears, when we cannot walk the streets without danger of being stabbed, nor sleep in our houses for fear of being burned; witness the dreadful fire at London, the fire of Southwark, and that the other day of Limehouse, where three poor souls were burned quick, to say nothing of forty attempts they have made in other places. To which let me add the design in general of massacring all the best people in the kingdom, begun and amply confirmed in the most barbarous murder of that worthy knight and judicious magistrate, Sir Edmondberry Godfry, and here I must stay a while. Murder is a great sin against God and our neighbour; but, alas! what induced them to it here? Sir Edmondberry Godfry was one of the mildest men to these bloody papists that was in commission for the peace; for though he hated arbitrary power, and popery as the cause or effect of it, yet a man for a due liberty to all sober people, pretending tenderness of conscience, and saved them from many a pinch on that score; hoping, as many more did, that after an hundred years experience, intermarriages, conversation, and large indulgence, they were grown wiser, if not more Christian, than to cut their way to government through blood, and kill for religion, (pardon me the use of the word about popery, that has nothing of religion but the name;) but gratitude restrains not men of this stamp, their principle knows no kindred, no obedience, no obligation that stands in the way of their conspired dominion. Well, but was it that they would be revenged of him for having courage (courage I say, as the world goes) to take depositions upon oath of their devilish plot? But where's the crime here, which can properly give their act the term of revenge, since examination is neither judgment nor execution? Even a saint is not injured to be examined, much less a papist; innocency gets on tryal if falsely accused; but that's not the case; for truth seeks no corners, nor yet ditches to lay a murdered man in, after having strangled him in a house, for the purpose: what then can be the plain English of the business but this, that they concluded his former kindness, thus abused, would for ever disengage him for the future; and that since he could not be prevailed upon to stifle the evidence he had and might yet have produced (for he acknowledged to some he had been both tampered with and menaced) they would strangle him; which is such a demonstration of their folly, as well as malice, that it hath given proof of the whole being true, that none can now deny it to be a plot but those that are of it, or will lose by the discovery.

But some say he killed himself. That's a likely business indeed: For what I pray? a sober, charitable, judicious man. O but he was melancholy, that is, he was a serious man; but why now more melancholy than ever, because he had wronged the innocent papists? Is that it? Where's the wrong? Is it, that he heard what persons upon oath

declared of the most horrid conspiracy that ever was on foot in the world, but the murdering of the Son of God? But be this deposition true or false, it was his duty and place to take it, he was sworn to do it, it was a great and the best part of his office; he had deserved a plotter's punishment to have refused the thing. Here is no virulency, suborning of evidence, condemning or murdering them in all this: Where's the sin then that should trouble his conscience? But they that will murder will lye to cover it.

Besides, 'tis plain that he was strangled, and his neck broke before stabbed, because he could neither strangle himself, nor break his neck after he was stabbed through the heart, nor stab himself after he was strangled and his neck broke: moreover, had he been stabbed before dead, or soon after, blood would have appeared on the hilt of his sword on which he lay, or on the ground, it being a dry place, or on his cloaths, but no blood was to be seen; and when the sword was drawn out of his body, which his murderers put in to palliate the butchery, nothing issued from him but a dark water, as is usual where blood is coagulated, as his doubtless was before he was stabbed; for we are of opinion there was a good time betwixt strangling and stabbing him, and that the latter was upon great deliberation, and that on purpose to hide the actors, and cast the murder upon himself. O, Lord God! that ever men should be so much the children of the devil; as first to murder, then charge it upon the innocent soul murdered. But the devil was ever a fool, and so in this. For, besides what we have observed, this further is to be said, they that killed him would have us think 'twas himself, because neither cloaths, nor money, nor rings, were taken away. True, but though they that are concerned in the plot, wanted neither his cloaths, nor money, nor rings, to carry it on, yet they took what they wanted, and they wanted what they took with a witness, and that was his pocket-book of depositions and examinations, which puts it out of doubt that they that were so much concerned in them, both murdered him and took it; for none can think that Father Coniers, the Duke of Norfolk's confessor, taking the air over hedge and ditch to Primrose-hall, dropt just upon him, and pickt his pockets of the book: Well, but why may he not have hanged himself, and his kindred, to save his estate, stabbed him afterwards, and carried him hither? This is deadly cunning; but why was his pocket-book only wanting, wherein the plotters were concerned? Tricks won't do here. Furthermore, why did they not keep his gold, silver, and rings, that were found in his pocket, but expose them? Why not strip him in some degree, make wound in his sword arm, and hack, bend, or break his sword, that it might look like robbery? But, last of all, why should they carry him out exactly as he used to go, quite drest, and want a band especially since they were so punctual as to take his sword, belt, gloves, and stick, with them. He went out in the morning with a great laced band, none was found, as well as the book of examinations; of that we have already spoke; for the band 'tis a plain case they strangled him, and, being a long necked man, and wearing an high strong collar, he struggling to save himself, and they striving to dispatch him that way, the band was torn in the fray; and to have let it go so had been to have told the story too plainly, that is, that the man was strangled to death by violence, and that the stab of his own sword was an after trick to cover the business.

Thus this poor gentleman, but worthy and brave patriot, ended his days by the assassinating hands of papists, whose butchery made him the common martyr of his religion and country, and his death is to us the earnest of their cruelty; in him they have massacred us all, we must take it to ourselves, and can no more be unconcerned in his death than disinterested in the cause of it.

The plot is opened, the tragedy is begun, our wives are frighted, our children cry. No man is sure of his life a day; the choice is only what death we shall dye, whether be stabbed, strangled, or burned. This consternation and insecurity must needs obstruct all commerce, scare people from following their lawful occasions, deter all offi-

cers of justice from their duty, and in fine, dissolve human society, and reduce the world into its first chaos.

For the Lord's sake let us consider our condition, let us all turn to the Lord with unfeigned repentance, let us look and cry to him for help, that he who has discovered would confound this bloody conspiracy, and shew mercy and bring us deliverance, that we may yet see his salvation, and serve him all the days of our lives; and, in order to our security, these things are earnestly requested of you:

First, take effectual care to preserve the king; they say, and we believe, he is not for their turn; we would not have him for his sake and ours: In order to this, pray find out the Achitophels, the dangerous men, about him; you know who they are; be free and bold, prize your time, the conjuncture is great.

Secondly, vote an address to the king to banish all Irish papists out of the army, navy, and kingdom, by such a day, and all papists out of the city of London, whose gross ignorance and base desperateness render them the fittest men for assassinations. Besides, it is a shame that the children and kindred of Irish rebels, nay, some of them the very men themselves that were actors in that horrid massacre in the year 1640, about thirty-seven years since, in which above three hundred thousand protestants were murdered in the kingdom of Ireland, without regard to age or sex, should be employed either in the English army or navy; but more scandalous is it, that St James's should be their head quarters, and the Park turned into an Irish walk. What do so many Irish papists, teagues, and rebels, do swarming there? No good to be sure; their parts, courage, and skill, can invite no man to entertain any of them; it must only be their ignorance and cowardly cruelty which make them instruments of mischief, and fit to be used by those that love foul play. But that poor dissenting protestants should be daily molested and pillaged for the sake of their peaceable consciences, whilst teagues and Irish rebels go by whole droves under the nose of king and duke in their royal park and walks of pleasure, is almost insupportable. Is this to maintain the protestant religion and discountenance popery? *Ex pede Herculem.*

Thirdly, for God's sake call for the plot, look thoroughly and strictly into it; fear nor favour no man, *Fiat justitia:* But fear God, do what you do as in his presence, to whom you must render an account. 'Tis the great action of your life; discharge your trust, and quit yourselves now like men. This has been the perpetual troubler of our protestant Israel; as you would see God with comfort, and secure your posterity from civil and spiritual tyranny, slip not this opportunity God has so wonderfully cast into your hands; be not found despisers of his providence, neither be you careless or fearful of improving it. Now or never. Had they you on this lock, and at this advantage, you nor yours should ever see day more. What once you could not have so well done before, they have now made easy and necessary for you to do, and what before you scarcely might do, is now become your duty. Be not cheated by a sacrifice; let not the lives of two or three plotters be the ransom of the rest, or your satisfaction; 'tis not blood but security, prospect future safety, an eternal prevention of the like miseries for the future, otherwise we shall only sit down with the peace and joy of fools, and fat ourselves sacrifices with more security against their next slaughter. Therefore,

Fourthly, raise the trained bands, and let them be put not so much as into the hands of men popishly affected; for those men that would pull off the vizard in case popery prevailed, that otherwise keep their credit by not discovering themselves, are the most dangerous to be trusted. I fear popery thus entring more than any other way; examine the counties well, for some of base principles are entrusted.

Fifthly, let there be power given to raise auxiliaries, that such honest protestant gentlemen as are willing at their own charges voluntarily to serve their country, by raising troops or companies, or serving in them, may be permitted and encouraged so to do.

Sixthly, let every protestant family be well armed, and every popish family be ut-

terly disarmed, they have tried our usage of arms with ease, we theirs with cruelty enough.

Seventhly, let there be an act, with a strict penalty, that after such a day, no gunsmith shall sell guns or pistols; cutlers, swords or daggers; and dry-salters, gunpowder or bullets, without license of the aldermen of the ward in London, or some chief officer, if in any other corporation; and that the person so buying them shall, before the said officer, subscribe a sufficient test against popery: but more especially that no papist be suffered to make or sell any such implements of war.

Eighthly, that care be taken to prevent fraudulent conveyances of estates by papists, to escape the law where they have done mischief; for this is to cheat the government and invalidate the law.

Ninthly, that it shall be treason for any papist to entertain a priest, jesuit, or seminary, in their house, because mortal enemies, by principle and practice, to the civil government. Consider of the Swedish law, or a better way to clear the land of all of them; let's buy them out to be safe.

Tenthly, that in all schools, particularly in universities, care be taken to educate youth in a just abhorrence of Romish principles, especially the jesuits' immoral morals; shewing the inconsistency thereof with human nature, reason, and society, as well as pure and meek Christianity, of which there has been great neglect.

Eleventhly, that our youth be not suffered to travel abroad, but between twelve and sixteen, and that under the conduct of approved protestants; for the present way of education is chiefly to pleasure and looseness, which makes way for atheism or popery, no religion, or false religion.

Twelfthly, that speedy care be taken to release all oppressed protestants in this kingdom; and since the papists mark all protestants out for one fate, and esteem them one body of hereticks, that they may be as one body of protestancy against that common enemy. This is the language of God's present providence, those that withstand it are such as love Rome better than London; every protestant, dissenter or not, has the same thing to say against popery. Agree then so far, and let a general negative creed be concluded upon, and from thence let some general positive truths be considered of in order to a better understanding among them: For this purpose, let there be a select assembly of some out of all persuasions, in which these two proposals may be duly weighed, that whosoever believe and own what shall be therein contained, shall be reputed and protected as true protestants.

Lastly, and more especially, let all the laws in force against immorality be speedily and effectually executed: 'Tis sin which is the disease and shame of the nation, we have forgotten God, and cast his law behind us, and we deserve not this beginning of deliverance: our pleasures have been our Gods, and to them we bow, and have little or no religion at heart; therefore 'tis that iniquity abounds, and in that variety too, and to such a degree, as no kingdom can parallel. Blush, O Heavens, and be astonished, O earth, a people loved of God, and so often saved by his wonderful providences, are become the Tyre and Sidon, the Sodom and Gomorrah, of the world. Let us repent in dust and ashes, let us turn to God from the bottom of our hearts, with the fervent love and good works of our martyred ancestors, or their life, doctrine, and death, will rise up in judgment against us, and God will yet suffer their and our enemies to swallow us up quick. And be assured, as looseness and debauchery were designed by the papists, as a state trick to dispose the minds of the people to receive, at least suffer, popery, (that to say true, cannot live with better company,) so the discouragement of it, and cherishing of all virtuous persons, with a serious and hearty prosecution of the forementioned proposals, will stop and in time wear it out of the kingdom; for popery fears nothing more than light, inquiry, and sober living. Hear us, we beseech you, for Jesus Christ's sake; take heart, we will never leave you, don't you leave us; provide

for the king, provide for the people, for God alone knows when we lie down, if we shall ever rise, or when we go forth, if we shall ever return. Remember the massacre of Paris in which so many thousands fell, and with them that brave Admiral Coligny, infamy enough, one would think, to shame the party did they know such a thing; but instead of that, 'twas meritorious, yea, 'tis subject of triumph: look into the Vatican at Rome, and among the other rare feats performed by Christian kings against infidels, this massacre of Paris, now about 100 years old, is to be found; and so careful was the designer to do it to the life, that he has not omitted to shew us how the noble admiral was flung dead out of the window into the street, to be used as people use cats and dogs in protestant countries, but good enough for an heretick, whom the worse they use the better they are. But to shew they own the plot and glory in the action, and for fear one not read in the story should take Coligny for Jezabel, they have gallantly explained the action upon the piece, and writ his name at large.

But there is a cruelty nearer home, no less barbarous, the Irish massacre in 1660; nay, it exceeded: First in number, there were above three hundred thousand murdered: Next, in that no age or sex was spared: And, lastly, in the manner of it, 'twas general throughout the kingdom; and as they were more savage, so more cruel, they spared not either sick or lying-in women; they killed poor infants, and innocent children, tossing some upon their swords, skeens, and other instruments of cruelty; flinging others into rivers, and taking several by the legs, dashed their brains out against walls or rocks. O Lord God, avenge this innocent blood, it still cries: But that these actors of this tragedy, or their bloody-minded off-spring, should swarm in England, be pensioners here, as if they were the old soldiers of the queen, men of eighty-eight, cripples of loyalty, laid up for their good services, and St James's their hospital; this scandalizes us; we think them the worst cattle of their country, and pray that there may be an exchange, that you would prohibit their importation instead of more useful beasts. For the bloody massacre of Piedmont you have it at large described by Sir S. Morland.

But we must never forget the horrid murder of Henry the Third, and of Henry the Fourth of France, our king's renowned grandfather. And would to God our king would consider, that all his humanity to them can never secure him from their stroke; they were both catholicks, and yet both assassinated; the first a bred papist, yet because he would not murder all the Hugonots or protestants of his kingdom, and his own best subjects, they did as much for him: The last was their convert, all they seemed to desire of him, and all they can expect from our king, yet how did they use him? They did twice assassinate him, and the last time killed him. What security then can any prince promise to himself from men that make not the profession of the same religion a protection to them that own it; but upon humours or suspicions of their own, or to introduce another person or family, more immediately under their influence, and disposed to their turn, will make no scruple of killing him? What slaves are kings with such men, and under such a religion? Let not the mildness of our prince be thus abused; show yourselves his great and best council in this conjuncture, and deliver him from these men of ingratitude: Men that will never be contented but with that which they must not have; of such qualifications, that what may be esteemed ambition, revenge, or interest in all other parties is a settled principle with them: This their greatest doctors tell us, and, to excite men in the pursuit of it, they declare all such acts more than ordinarily meritorious: But what hold can we have of such men that have no conscience? this conclusion looks hard, and besides their practice (for if that were always to cast the scale, it would go hard with many protestants too,) 'tis their avowed doctrine, they glory in it, and make it our reproach to have any such thing. I say, that papists have no conscience, or no use of conscience in their religion, which is the same thing; for, what is conscience but the judgment a man makes in himself of religious matters, according to the knowledge given him of God? But this is out of doors with them, 'tis

heresy; authority rules them, not truth; as if a man were to be credited for his age, not his reason. Conscience is a domestick and private judge, dangerous to the chair, the pope, for it rather hinders than helps subjection; the less there be of it, the sooner men turn captives to their mysteries. So that putting out the eyes of our mind, and a blind before our understandings, best fit us for popish religion: as if religion had not so great an enemy as reason, nor faith as knowledge. 'Tis strange that a man cannot be a papist, without renouncing the only distinction of a man from a beast: therefore it is we pray to be secured from papists, because at best they unman us, and are not their own men. 'Tis true, as protestants do not always live up to their good principles, neither do papists to their bad ones; breeding, good humour, generosity (and a better principle they know not of) may biass some of them to worthy things, but this is not according to their principles; for if they will be true to them, they must abandon choice, and obey their superior, right or wrong, and every immorality he commands is duty upon damnation; the more contrary to their reason, and averse to their nature, the greater the merit Hesitation is weakness; dissent, schism; opposition, heresy; the consequence, burning: from this religion, O Lord God deliver us, O king and parliament protect us: 'Tis your duty to God, and your obligation to the people. We beseech you excuse us, and take all in good part; our fears are great, we fear just, and our desires reasonable: remember our dreadful fires, consider this horrid plot, and think upon poor, yet worthy Sir Edmondberry Godfry; let not God's providence and his blood rise up in judgment against you; God of his great mercy animate you by his power, and direct you by his wisdom, that the succession of his deliverances from Queen Elizabeth's days may not be forgotten, nor his present mercy slighted: Let us do our duty, and God will give us that blessing which will yet make England a glorious kingdom, the joy of her friends, and terror of her enemies, which is the fervent and constant prayer of yours, &c.

Plain Dealing is a Jewel, and Honesty the best Policy. In Answer to a Letter received by a Gentleman in London, from his Friend in the Country. 1682.

A Tory tract against the Bill of Exclusion.

SINCE the arguments I have used for obtaining your excuse, have been so far from prevailing, that, on the contrary, you are pleased, by your last, positively to command my sentiments of the present conjuncture of affairs, and thoughts concerning those scandalous reports industriously spread throughout the kingdom, of his majesty's having had (for many years past) a design carrying on (and which is still kept on foot) for the introducing arbitrary power, setting up popery, invading liberty and property, and extirpating (if possible) the protestant religion established by law.

I shall with sincerity recount to you my judgment, and offer such reasons as I hope will convince all sober and unbiassed readers to be of opinion, that these reports are all false and malicious, having nothing of truth in them, but occasioned as followeth:

There are a sort of malecontents amongst us, most of them men of mean fortunes,

turbulent and restless spirits, who design troubles and commotions in the kingdom, in hopes thereby to gain advantage to themselves by the miseries and sufferings of others.

These make it their whole business to create in the minds of the king's subjects, fears and jealousies of his majesty's designing to govern arbitrarily, introduce popery, extirpate the protestant religion, and invade property, by setting up abbeys and monasteries, and restoring to them their ancient lands and revenues, now dispersed into the hands of most of the nobility and gentry of the kingdom.

In process of time, by these (and such like) evil practices, the ignorant and unthinking mens minds (whose capacities will never give them leave to examine whether these reports be true or false, reasonable or unreasonable to be believed, possible or impossible to be accomplished) are become greatly disturbed, and such jealousies are risen in them concerning the king, as hath abated the fervency of their former affection to his royal person, and their zeal for his service and government; occasioned such divisions, animosities, and contentions between subject and subject, put their spirits upon such fermentations, divided and sub-divided them into so many several parties, factions, and interests (each diametrically opposite to the other) that unless Almighty God in his infinite mercy, goodness, and wisdom, please to direct a speedy way for the uniting them in love together, I fear the consequence may in a short time prove pernicious (if not fatal) both to king and people, which it is dreadful to consider should be the effect and consequence of some mens credulity on the one hand, and others impudent falsity on the other.

Pardon me, sir, I beseech you, if I happen to differ from you in opinion, when I positively affirm, that by all my own observations, and the scrutiny I have made by inquiring of and conversing with others, I never yet found the least ground to believe his majesty had ever really any design (as is falsely suggested) to set up arbitrary power or introduce popery, nor is there any shadow or colour for the fears and jealousies of this nature with which mens minds are so strangely possessed.

If his majesty had ever designed so to govern, sure it would have been shewn at his first return into England to take possession of his royal crown and government; for having lived most part of the time of his horrid sufferings, under an illegal and unjust banishment, in those countries where the government was absolute, or nearest to absolute, (their laws being enervated and depressed by their princes) it might have been reasonably expected he would then have brought over (considering how barbarously his royal father had been murdered, and himself and the whole royal family had been dealt with in their exile) a scheme of such government with him, the which if he had done, no prince in Christendom ever had such an opportunity to have accomplished the same as our king then had.

Was he not, upon his return to his kingdoms, absolute lord and master of all his subjects lives and estates, by the law of the land, occasioned by their own forfeitures, either by open acting, or silent acquiescing under the late rebellion, services done for, or taxes paid to the late usurpers, whereby they were all guilty of high-treason, and stood in need of his majesty's royal pardon?

Might not his majesty, after his restauration (when all his subjects either adored or feared him) being brought in with the hearts and most zealous affections of his people, have had at that time any thing from his parliament that he could have demanded?

If therefore he had then had a design ever to govern arbitrarily, there never was such an opportunity for accomplishing thereof, as when he first came over, when he could not have asked that sum of money for his present supply, or annual revenue for the future support of his royal prerogative and such his intended government, but it would have been granted by his friends in hopes of reward, and durst not have been opposed by his enemies (though never so unreasonable) for fear of being called to account for

their treasons, no act of oblivion being then passed, of which the meanest subject stood in need, and could not have been long safe without.

So that if his majesty had any intention ever (though not at that time) to set up for arbitrary government, he lost it for want of asking; for his majesty well knew, that the interest he then had in his people was such, that he need but to have demanded and it would certainly have been given to him; notwithstanding all which, to shew his subjects that he valued reigning in their hearts and affections, much more than to be master of their lives and fortunes, forfeited to him as aforesaid, he was graciously pleased himself to press his two first parliaments to pass a general act of indemnity (which they did with great regret) and threw himself upon his parliaments for such supplies as they then thought necessary for the present support of the government, without making any bargain, or entering into any capitulation with them, as he might have done, for a constant and certain revenue for the future.

Nor did his majesty (if he had any such design) deny himself in this respect only, but in many others that were in his power, whereby he might have enriched himself, and brought immense sums of money into his coffers, to have been kept in readiness (whenever he had been pleased to set up for such a government) wherewith to have defrayed the necessary charges thereof. As for instance:

His majesty might have taken all the church lands into his own possession, where the incumbents were dead (and there were very few living when he came first in) all the rents belonged by law to him till he filled up the vacancies, and he might have renewed all their leases, and taken the fines to himself, (without doing any wrong) and was offered 850,000l. for so doing, as also that the yearly revenue of the church should be doubled, and every purchaser in England satisfied (which would have been a great security to his government) notwithstanding all which, he could not be prevailed with to accept of, or close with that offer.

Again, if his majesty ever had any such design, how easy had it been for him to have taken the same course that Henry VII. and other princes formerly did; and if he had so done (when the parliament, in a few years after his restauration, had given him above five millions of money to carry on a war with Holland) how easy had it been for his majesty to have closed a peace, got vast sums of money for so doing, and put up that, and the greatest of what the parliament had given him, into his own coffers; whereby and by means aforementioned (had he been parsimonious, and designed mischief to his subjects) he at this day would have had all the coin of the kingdom in his exchequer, and therewith might have governed his people, and commanded their liberties and properties at his pleasure.

But our king's design and practice hath been hitherto so far from taking this course, that his subjects have taken occasion rather to condemn him for expending so great a treasure as hath been given him, and yet at the same time rejoice, and please themselves with the consideration that it is gone, accounting nothing a greater security against arbitrary power, than their prince's being under a necessity to fly to his people in parliament for supplies, upon the least extraordinary accident or emergency of state; and though they know, and are well assured, this is the king's present condition, yet most maliciously would they impose upon his subjects, and force them, contrary to reason, to believe that he designs to govern arbitrarily, when at the same time they are well assured it is impossible for him so to do.

For no prince can govern arbitrarily without a force, nor raise and maintain such force without money, nor come at that money without credit; nor can our king, if he would so govern, raise such force, and get money to pay them with, but by the consent of his people in parliament, neither can he change our government here, but by a long tract of time.

Wherefore, no wise or considering person ought or can ever believe (whatever they

say,) that his majesty (who hath never attempted any such thing since his restauration, notwithstanding the many opportunities before mentioned, which he had to have facilitated the work) especially coming in after the greatest tyrant that ever reigned, finding an army raised, which would not only have served him, but made his government more tolerable (being agreeable to the pattern left by Oliver, who raised and kept them on foot) if his majesty, I say, has neglected such opportunies as these of setting up arbitrary government, in the vigour of his youth, when newly married, in height of reputation, beloved and feared of all both abroad and at home, in expectation of issue of his own to succeed him, and having a parliament to assist him, such as never any king of England before had (a parliament that would have denyed him nothing he should ever have desired of them) how can any rational man think or imagine he will attempt it now, when his exchequer is empty, his reputation (by the horrid, false, and scandalous misrepresentations aforesaid) low, and himself grown in years, and without issue of his own to inherit, especially at this time, when his kingdoms are awakened and on their guard to oppose it?

The rather ought we not to believe this, if we seriously consider what most men certainly know to be true, which is, that our king is a prince of a most peaceable disposition, merciful in his nature, hating cruelty, oppression and trouble; a prince under whom (as the author of that saying most truly said, and by experience hath since found) the unfortunate fall gently; if so, then ought no man easily to believe that he should now divest himself of his glory, by changing his nature and disposition, to live the remainder of his time in confusion and trouble, and pass from that estate of happiness and security which he now enjoys in the affections of his people, to a necessity of being afraid of all mankind, and beholden to the assistance of an army for his future security, (which is the height of slavery) a prince under their guard and protection being as unsecure as his people, and as much at their mercy as the Roman and Ottoman princes ever were.

Neither can such vain fancy enter into any man's mind that hath common sense, so as to create in him a belief thereof, when he shall consider what laws his majesty hath passed for securing the liberty of the subject against the bugbear of arbitrary power, which so many pretend to be afraid of.

I. To wit, the petition of right against quartering soldiers, by which all right of marching with an army, without money wherewith constantly to defray their quarters, is taken away, and without an army there is no danger of arbitrary government.

II. The act for taking away the courts of wards and liveries, and that for the sale of fee farm rents, before which most subjects held their lands of the king, and were obliged to do him suit and service, and their children, during their minority, liable to be his wards, from all which they are now discharged.

III. The habeas corpus bill, in passing whereof his majesty hath in a manner at once discharged all his menial servants from his royal protection, and put it out of his own power to imprison any suspected person, so as to hold them long, though for treason itself.

These were the acts the wisdom of our parliaments conceived best for the security of the subjects against arbitrary power and government, and these acts the king most readily condescended to pass; and now to imagine he should design a change of government, were to conclude he follows counsels and takes measures unknown to all ages before, and contrary to all former examples; and it argues great pusillanimity in his subjects, to be afraid of that which (morally speaking) is in its own nature impossible.

The rather, for that his majesty might (as I said before) have carved out a standing revenue at his first restauration, sufficient to have supported such a government as we fear; but to shew he had no such intention, he contented himself with a revenue, the

greatest part whereof is only for his life, (as the customs,) and accepted of the hereditary part of excise, amounting but to 300,000*l.* per annum, in lieu of his courts of wards and liveries, (which was of twice that yearly value,) besides the interest he had thereby in almost all his subjects estates.

If then his majesty hath hitherto done nothing tending to the setting up the government pretended to be feared, (for it can be but a pretence) though he hath sometimes had two millions, and never till of late less than about 1,500,000*l.* per annum, certainly having now not much above a million per annum, (and no power to raise any but by act of parliament, and his parliament of late years been so unkind as to give him nothing,) it's nonsense and malicious for any man to talk (and as great folly to believe) that there should now be a design on foot to set up or introduce a new method of government.

In my opinion, it is so far from it, that the aforesaid acts have taken away all possibility thereof, turned things to another extreme, and so limited the civil magistrate's power, that, in many cases, they will find it difficult to maintain the government in so headstrong and stubborn an age as ours now is.

This that hath been said, being seriously considered, I hope will leave room in no man for so much as a suspicion or jealousy of any design in the king to introduce arbitrary government, without which it is impossible to set up popery, or invade liberty and property.

Not but I must acknowledge and confess there hath, since his majesty's happy restauration, been some things done which seemed to have a tendency to all these mischiefs; these I shall briefly give account of, shew how they came about, the evil effect they have had, what inconveniences they have occasioned, who advised those counsels, and since have endeavoured to bring his majesty, his ministers, and government in contempt with his people, for the mischiefs that have happened as the events and ill consequences of such their own pernicious machinations.

And when I have done with this point, I shall endeavour to shew how little danger there is of popery coming into England, though a popish successor should happen, and that all the noise made about it is only a design set on foot by the French king, and managed by his pensioners, in secret conjunction with our male-contents and men of common-wealth principles, on purpose to create jealousies, fears, and troubles amongst us, and hinder our king and his people from uniting, till the French king hath made his game sure, finish'd his conquests, destroyed the protestants and their religion abroad, that with the more ease he may destroy us and it together in England; and I will endeavour to demonstrate that nothing else can be designed by most of the hot-headed gentlemen, (whatever pretence they make to the contrary,) who spend their whole time in keeping several companies purposely to exclaim against his majesty, his ministers, and government, but to promote popery, (which they so cry out against,) and to advance the popish interest, (which they so much pretend to fear,) and shew that they are ruining the protestants and their religion, even when they so highly inveigh against popery and papists, and, therefore, by true protestants, ought to be avoided as wolves and bears designing to devour them.

The most remarkable passages that have happened, and which first occasioned these jealousies and fears of introducing arbitrary power and popery, were transacted about ten years since. I will mention them briefly, and leave the reader to recollect who steer'd then at the helm; in whose cabals those resolutions were not only taken, but by whom also they afterwards were put in execution.

First. His majesty's gracious declaration for suspending all penal laws, and granting indulgence to dissenters; the only thing, to my remembrance, done since the king's restauration, that had the least tendency to the setting up arbitrary power or popery;

and this, I must confess, *prima facie*, seemed to aim at both, though neither of them was, as I believe, designed by the king, who granted the same on no other account than for the ease of protestant dissenters, and upon their solicitation; therefore ought rather to have been with all humility and thankfulness accepted and acknowledged as his majesty's great grace and favour, than with such high ingratitude turned upon the king to his prejudice, and the disadvantage and dishonour of his government.[1]

It is undoubtedly in the power of the king, by his royal prerogative, to dispense with the penalty of any statute whatsoever *pro hac vice*, upon any emergency of state, (where the matter dispensed with is not *malum in se*, but only *malum quia prohibitum*,) by granting licences with a *non obstante* of the several statutes in force against the matter dispensed with; and so he might have granted licences to dissenters, to meet for the exercise of their religion, and appointed places of meeting, and parsons to preach amongst them, which the law and former practices of his royal ancestors would have warranted, and could never have been questioned.

But to suspend a law is in the nature of an abrogation, and he that can abrogate may as well assume the power of making laws; and that prince who hath power to make one, may make any law; if any law, a law to raise money and forces; and that prince that hath such authority shall never need call a parliament, he himself having power to raise what money and force he shall think fit, *ergo* may govern his subjects arbitrarily at his royal pleasure.

This was the chief reason why the next succeeding parliament, after this declaration was issued, (though they were willing dissenting protestants should have had ease,) addressed his majesty for the cancelling that declaration, to which address his majesty was most graciously pleased to give his royal concession; but the second ground of such address appeared to be——

The consideration the parliament had that the said declaration suspended all sanguinary and pecuniary laws against priests, jesuits, and papists, which, if continued long, might silently, and by degrees, have introduced popery, and caused its growth amongst us. This they had great reason to suspect might be designed by some of those who advised the king thereto, who now endeavour to throw the odium (due to themselves for such pernicious counsels) upon the king, (who, our law says, can do no wrong.)

Again, who was it that, about the same time, advised the shutting up the exchequer, when so many thousands of his majesty's loyal subjects whole estates and fortunes were lodged therein for security, than which no security in England was better, till this stop of payments was prevailed for?

Who was it that, when they had given this advice, (and the same was agreed unto,) stopt the declaring thereof for several days, till they had drawn their own money out of the bankers hands, well knowing such stop must ruin them, and resolving they would not lose any thing themselves by what they had advised the king to do, to the utter ruin of so many of their fellow-subjects?

Was there ever so high a violation of property committed in any age as this?—or any thing done besides this, since his majesty's restauration, tending in the least to invade the same?

When this was put in execution, and the creditors of the bankers began to sue for their money, and they flew into Chancery for injunctions, which were denied by the lord-keeper Bridgeman, as being contrary to law, who was it advised his majesty to remove his lordship from the seal for his timidity? Who was it that, afterwards succeeding him in that office, granted the injunctions before denied, and continued them

[1] By the advice of the Cabal Administration, Charles attempted to exercise his supreme power as head of the church, by a proclamation suspending the penal laws against all non-conformists or recusants whatever. The obvious purpose of this indulgence was to shelter and strengthen the catholics, as well as to pave the way for further exertions of arbitrary power, at expence of the existing laws.

till he knew the seal was like to be taken from him, when, to ingratiate himself with the populace, he dissolved the same?[1]

This stopping of payments in the exchequer will appear the more heinous, and an act that all (who are loyal, love the king, and concern themselves for his honour, princely dignity, and royal government) must abhor, if they do but reflect back and seriously consider for what end this was done, and the sad consequences that have happened to England thereupon, which take as followeth:

Those who advised his majesty to issue out the declaration afore-mentioned, and to stop the payments out of the exchequer, had also thought it convenient that the triple-league should be broken, that his majesty should join his forces (which they then had advised him to raise, and were afterwards encamped on Black-Heath) with those of France, and that the Dutch Smyrna fleet, then coming home richly laden, should be seized, before any war with Holland was declared: perhaps the most pernicious and dishonourable act that ever prince was put upon by his ministers, (*delenda est Carthago,*) and from whence this poor kingdom may justly date all its late miseries and distractions.[2]

For hereby was the peace of all Christendom disturbed.

This hath occasioned the loss of some hundred thousands of christian lives, exhausted the treasure of England as well as all Europe besides, weakened the protestant interest throughout the world, and strangely advanced the growth and power of France, help'd him in all his late conquests, and made him at this day (who is the common and grand enemy to the protestant religion) a terror to all nations about him, as well as a most cruel persecutor of all his protestant subjects at home, of whose miseries and intolerable sufferings we have every day fresh instances before our eyes.

Whilst these gentlemen, who gave his majesty these advices, were in his councils, and prerogative royal proved subservient to their private interests, it could never be thought high enough, though now they are of opinion (as appears by their actions) it can never be too low, nor too much exposed and brought into contempt.

Who was it that declared the prerogative of the king to be law, and not only law, but the principal part of the law, and his royal edicts above law?

[1] The same charge against Shaftesbury is thus expatiated upon by Roger North:—"Before that time came there were some shrewd difficulties to be got over: one was the commission of martial law; another an injunction to be granted in Chancery to stop suits at law against the bankers upon the enquiry of public necessity. The lord-keeper Bridgman proved restif on both points. He, for the sake of his family, that gathered like a snow-ball while he had the seal, would not have formalised upon any tolerable compliances; but these impositions were too rank for him to comport with. I remember about this time there was, at his house, a meeting of the attorney and solicitor-general, and some of the king's counsel, to consult upon these two points; and they all agreed they were rocks upon which they must split, if they could not otherwise decline them, for they lay directly in the way, and would not be surmounted. All this while the Lord Shaftesbury (that is, before his promotion to the great seal) lay behind the curtain, and probably (for though I believe, I cannot say I know it) urged these points to the king, as necessary for his affairs, and practicable; and that his majesty was under the necessity to displace him, and find another more complaisant in his room. And what is more easy to be conceived, than that his lordship might add, that rather than fail, if his majesty would command his service in that place, he would undertake it, and perform all, and, upon the main, order affairs so as the parliament, upon their meeting, should give his majesty no disturbance? It was no new device to shove men out of their places, by contriving incomportable hardships to be put upon them, and then bespeaking the succession for themselves, by officious undertaking to do all that was required of and declined by them. And it was no less frequent in such cases, after the point gained, to refuse doing what was the condition of the advancement, and in the mean time watch for handles for such refusal; and, at last, seek shelter by turning into the adverse party. It was a Whitehall maxim in those days, that places were not to be kept by the same means as gained them. Now whether the Earl of Shaftesbury aided himself by this art to get into the place of lord-chancellor or not, if we sink no deeper than mere outside, and with *salvo* to his more abstruse reaches, may, with more than probability, be resolved in the affirmative."—North's *Examen.* p. 38.

[2] All the desperate measures here enumerated were set on foot while Shaftesbury made a part of the celebrated Cabal Administration, and afforded to his antagonists ample room for charging him with political inconsistency, after he had embraced opposite principles.

Who was it that, before the sitting of the parliament, advised the issuing of writs for the electing new members to serve in the House of Commons, in the room of those deceased, during their recess; and when the parliament met, and the commons had voted those elections void, and ordered new writs to be issued for the choice of others, in the room of those so unduly elected and returned?[1]

Who was it that for some days refused to seal the same, declaring it to be an intrenchment upon prerogative, and when obliged thereto by his majesty's positive commands, went home and turned his back upon the sealers, whilst the seal was affixing to those writs, to the end (as he said) that his eyes might never behold prerogative trampled upon by a House of Commons?

I shall forbear to name any persons, it being fresh in every man's memory that took any kind of notice of the public transactions, who were then our premier ministers of state, and took mighty care to maintain prerogative and advance it to the height, the better to improve the same to their own advantage.

But no sooner, upon the addresses of the House of Commons, had his majesty resolved to cancel the before-mentioned declaration, and issue out writs for new elections, than one of those noble peers, finding he could not dissuade the king (as he endeavoured) from complying with his parliament therein, applied to the Commons, riggled himself into their cabals, and by subtle insinuations stop'd the impeachment designed against him in parliament for such his pernicious counsels.

Which done, he presently fell to work, and played his exploits in the House of Lords, where, being one day privately charged with high ingratitude in having deserted his master, his lordship made answer, It was the king that had left him, by departing from his declaration, and not he the king; and immediately, with some other lords, closed with the mobile, set up for popular interest, and endeavoured, in all parts of the kingdom, to possess the people with prejudice to his majesty's royal person and government, on pretence that his majesty really designed to introduce arbitrary power and popery amongst them, and that they, for opposing the same, were removed from his councils and all places of trust, whereas (if any such intrigues were then on foot) they had been the first advisers and chief promoters thereof.[2]

[1] "In the first place, his lordship blundered at the threshold, and his first use of the seal was for a trick, which, as tricks use, ended in disappointment and shame. There had been a long vacancy of parliament, in which interval diverse members of the House of Commons were dead, and some taken into the nobility. His lordship had a mind to fill these vacancies, especially such as were in the county of Dorset, (where his own estate and interest lay,) with creatures of his own. But there he had been formerly opposed by the noble Colonel Strangways, one of a mighty estate and interest in the west, and (which was worst of all) an inexpugnable loyalist, who, for his eminent fidelity, was afterwards called to serve the king as a privy-counsellour. His lordship thought that now, having power, he might manage the matter so as to get the better of him. And for that end his lordship caused the writs for the new elections to issue, without staying for the meeting of the parliament, and having the speaker's warrant, as the use, especially of late, hath been; for that had given notice of the elections: but so his lordship's men, having the carriage of the writ, and dodging with it by surprise, (as was said,) carried all against the interest of the loyal colonel, which put him in a great rage.

"This device was no sooner communicated and understood by the western gentlemen, with the colonel's sentiment of it, but they all determined to join, and get all these elections set aside; and with that resolution they came up, and the noble colonel at the head of them. At the first meeting of the house, when the usual forms were over, a member stood up, and looking about, said he observed diverse new faces in the house, and did not remember that, before their last rising, the house had been moved for the filling so many places, so he doubted the regularity of the sitting of those persons, and moved their titles might be examined. Another member seconding, said he supposed those gentlemen would have the modesty to withdraw whilst their case was in debate, and not attend the order of the house. So this whole sect of new elects (although mostly loyalists) filed out, and came in no more upon that choice. For although it was shewed such writs had formerly issued during such prorogations, enough to have served the turn *in causa favorabili*, yet the late practice having been otherwise, and the current strong that way, and the court party not able to hinder, all the elections on that foot were voted null, and new writs ordered to go."—North's *Examen*.

[2] The king had been advised, at opening the parliament, to use in his speech the harsh phrase, *that he would stick to his declaration of indulgence;* but upon finding how very unpopular pertinacity in this point was likely

By these and other such like suggestions they fomented differences between the king and his people, created in them jealousies and distrusts of each other, prevented the parliament giving his majesty the supplies necessary for enabling f him to have joined his arms with those of the States-General and their allies, (which he declared himself ready to have done,) for preventing the further growth of the power of France; and yet all that while alarmed and frighten'd the subjects by daily printing and spreading abroad pamphlets, wherein they represented how dangerous a condition they were in by reason of the increase of that king's power, with whom they seemingly press'd his majesty to make war, though certainly they never intended he should so do; for, if they had, they would have endeavoured to have gotten him the sinews thereof, to wit, money wherewith to have defray'd the charge thereof, and not used all their art and skill, as they did, to hinder him from the same.

By way of digression, give me leave here to offer two questions to serious consideration:—First, whether those who advised his majesty to break the triple league, seize the Dutch Smyrna fleet before a war with Holland was declared, suspend all penal laws, stop payments out of his exchequer, and join his arms with those of the French king against the States-general of the United Provinces, may not reasonably, and without breach of charity, be suspected to have been (at the time of such advice given) pensioners of France, and whether (if any thing done since his majesty's most happy restauration ever had any tendency towards the introducing of arbitrary power and popery into this kingdom) it was not his majesty's proceedings upon those counsels?

Secondly, his majesty (upon the addresses and advice of his parliament) having resolved to depart from the aforesaid counsels, cancel his declaration, issue out writs for new elections, withdraw his arms from the French king's assistance, and send them in aid to the States-general of the United Provinces, for preventing the further growth of the power of France, whether those persons who ever since have made it their business to divide between the king and his subjects, and prevent the parliament's giving him, when he desired, 600,000*l.*, to have enabled him in time to have joined his forces with those of the States-general and their allies, for the end before mentioned, may not as reasonably, and with as little breach of charity, (as the former,) be suspected to be French pensioners; the first designing only to advance France by bringing Holland low, and these contriving how to keep Holland under, by hindering his majesty from assisting them for the pulling down the power of France. If the latter may be equally suspected with the former, I am sure all who have taken any kind of notice of the transactions of affairs amongst us for these eight or nine years past, must needs know who they are that have been guilty of both.

But to proceed. Whilst these noble lords were in power, and one of them, either as chancellor of the exchequer, or one of the lords commissioners of his majesty's treasury, had almost the sole managery and disposal of every branch of his majesty's revenue, no

to render him, he complied with the remonstrances of the House of Commons, and recalled the indulgence.—"Shaftesbury," says Hume, "when he found the king recede at once from so capital a point, which he had publicly declared his resolution to maintain, concluded that all schemes for enlarging royal authority were vanished, and that Charles was utterly incapable of pursuing such difficult and such hazardous measures. The parliament, he foresaw, might push their inquiries into those counsels, which were so generally odious; and the king, from the same facility of disposition, might abandon his ministers to their vengeance. He resolved, therefore, to make his peace in time with that party which was likely to predominate, and to atone for all his violences in favour of monarchy by like violences in opposition to it. Never turn was more sudden, or less calculated to save appearances. Immediately he entered into all the cabals of the country party; and discovered to them, perhaps magnified, the arbitrary designs of the court, in which he himself had borne so deep a share. He was received with open arms by that party, who stood in need of so able a leader; and no questions were asked with regard to his late apostacy. The various factions into which the nation had been divided, and the many sudden revolutions to which the public had been exposed, had tended much to debauch the minds of men, and to destroy the sense of honour and decorum in their public conduct."

sum of money could be granted the king by his parliament, that by them was esteemed sufficient; a million and half, two millions and half at a time signified little.

But no sooner were they discharged from their ministration, than the cry (every where set about by them) was, " You free-holders of England, you gentlemen of the House of Commons, have a care what you do; keep close your purses; if you give money you are undone; prerogative will be advanced too high; arbitrary power and popery will certainly be set up, and the subjects thereby enslaved like those of France:" as if prerogative power, though vested in the king's person, were not to be exercised by himself, but by his premier ministers, and as if there were no persons in England fit to be made such ministers, or to be entrusted with the exercise of that power, save only those whom, for the reasons aforesaid, his majesty had thought fit to remove from their trust, and out of his councils.

This, amongst simple honest people, gained belief, and was looked upon as wholesome counsel, which they embraced with thankfulness, and diligently pursued, every where agreeing to instruct their representatives in parliament to this purpose; and upon the choice of the three last parliaments, chose few or none to represent them but such as they were assured would pursue this their direction, which accordingly hitherto hath been done.

Now give me leave, in short, to recount the bad consequences that have ensued upon these evil practices. His majesty, for want of supplies necessary, (which these false and subtle insinuations, put into the ignorant people's heads, kept from him,) hath hitherto been rendered incapable of carrying on the war against France, which the parliament still pressed for, and his majesty promised to have begun, and would have vigorously pursued; (if they would have given him 600,000*l.* when he desired it, which they refused to do;) neither have they since given him any money but what, by the act that gave it, was appropriated to particular services.

The consideration of this gave courage to the French, and so disheartened the Dutch that they, for their own preservation, were obliged to agree to a peace without the consent of their confederates, who since have been necessitated to enter into the same, though to the unspeakable damage of Christendom.

For hereby was the confederacy broken between the emperor, Spaniard, Dane, Hollander, and all the princes of the Rhine.

By this the Duke of Brandenburgh was obliged to deliver up all his conquests in Pomerania and Bremen, which had cost him so dear.

By this means the confederates army, for want of money, hath since been most of it disbanded; whilst the French army, with his immense revenue, is still kept on foot, and daily increased, to the terror of all Europe.

The incursions he hath since made upon Flanders, Alsace, Strasburgh, and Casal, (the keys into Germany and Italy,) have alarmed all parts of the world, none knowing where he will design next, nor what places he will demand as dependencies belonging to his new conquests.

I know this is all charged upon our present ministers, as the effect of their male-administrations, and the people are laboured hard to believe the same.

But, in my opinion, all these mischiefs proceed from, and are the ill effects of the aforementioned evil counsels, which the king so long since had given him, and were put in practice as aforesaid, and proceed chiefly from the male-contentedness of some of the persons that gave those counsels, who, being used to govern, and now removed from all places of trust, know not how to obey and sit quiet, therefore endeavour to confound all his majesty's counsels, break all his measures, and obstruct all proceedings for publick good, in hopes to oblige his majesty to a necessity of restoring them to his favour and their former trust, as not being able to manage the government without them.

I cannot say these are the sole occasions of our present mischiefs, for there are a sort of men about the city, and all over England, in every county, of turbulent spirits, active minds, subtle wits, little fortunes, and less consciences, credit, or reputation, sufficiently debauched and vicious in their principles and conversation,—these are found out and made use of by the French, are pensioners to that king, and employed to fall in with our male-contents, and seemingly to take their parts; these run from place to place, tell the danger the kingdom is in of popery and arbitrary power, and of the plot on foot to destroy the king and protestant religion, and what danger the protestants are in of being massacred; these improve their interest with the knights, citizens, and burgesses in every parliament, to hinder giving any money, lest they enslave the kingdom thereby; these roar about the streets and at every coffee-house, and in all companies they come into, what danger the protestant religion is already in, and that it will certainly be destroyed if ever a popish successor should happen in England, flocking like bees to the court of requests when our parliament sits, and buzzing in the ears of our representatives, that there is no way to be secured, but by passing an act for secluding his royal highness the Duke of York from ever inheriting (let him now, or hereafter, be of what religion he will) the imperial crown of this realm; which for the three last parliaments hath been vigorously endeavoured, and with success to their designs, by having hindered all other affairs, and prevented all remedies for settling and composing our present differences, and securing us against future mischiefs.

These pensioners are so subtle, and seem by their carriage so real fierce and violent against arbitrary power and popery, and zealous for securing our liberties and properties, that to our misery they have gained too much credit amongst the gentry, and downright honest country protestants, because what they persuade them unto at first sight, seems greatly their interest.

But by the little conversation I have had with them, and the best observation I can make of their proceedings, they appear to be jesuits or papists in masquerade, like watermen rowing one way and looking another; French pensioners (or at least act as such) carrying on the popish plot apace, which they so violently decry, do the French king's drudgery, promote his designs, and instead of preventing arbitrary power and popery, endeavour what in them lies to introduce and establish both, and extirpate the protestant religion; were it not so (which I pray God every sober protestant may see through and prevent) they would never endeavour, as they do, to divide between the king and his subjects, (whose interests are so inseparable, as that to separate between them is to destroy both,) nor create distrust in the king of his people, or in the people of their prince, the consequence whereof will inevitably, if continued, be the destruction of both.

Did not these gentlemen thus design, certainly they would not at this time of the day endeavour (as they do) to widen breaches, heighten differences, increase animosities between protestant and protestant, and divide and subdivide them into so many several factions and parties, but rather study how to close and make up the breaches, heal the divisions, and compose the differences amongst them, by uniting them in love, (though of different persuasions,) thereby to strengthen their hands against their common enemy the papists.

Now I will endeavour to show that these men act quite contrary, and that what they are doing tends to the interest of France, the advantage of popery, and is destructive to the protestant interest.

For this purpose I lay down as my foundation, that the king of France's grand design is to make himself universal monarch of the world; this he knows he can never do, if the King of England and his subjects were heartily united, and did love and dare trust each other, for that people that love and trust their prince, will never deny him any supply necessary for his own support and their defence; therefore, if all those jealousies and fears, which these sort of caterpillars have fixed in the minds of the sub-

jects, were removed, and if it were possible to undeceive them, and shew how they have been imposed upon to their prejudice, and that all reports of his majesty's design to invade liberty and property, and introduce popery and arbitrary power, were false, then would the king have their hearts entire to himself, consequently their purses, and could never fail of sufficient subsidies for support of his prerogative and the government, and securing us against all attempts from abroad as well as at home.

This the king of France well knows, and therefore endeavours to prevent, foreseeing that such an union would be fatal to him, for then would our king be able to stop all his proceedings, hinder not only his making farther, but oblige him to vomit up all, or the most part of his new-made conquests; therefore his design, by these his emissaries and pensioners, is to keep up jealousies and fears, and to prevent all means used for reconciliation amongst us, by crying out still of the danger of popery, how that religion increaseth in England, (though they know there is not one papist in the kingdom for one hundred protestants,) which is done with design to oblige his majesty, for avoiding of clamour upon himself, to proceed against jesuits and papists at law, to convict them of recusancy, and seize two thirds of their estates; the which is prosecuted by a few covetous persons, only with design to get dividends of their estates to themselves.

By which proceedings here the French king does his work abroad, goes on to finish his conquests, takes advantage of the prosecution of a few papists here, to make that his example to prosecute, with all imaginable cruelty, innumerable multitudes of protestants in France, with a resolution to extirpate that religion out of his dominions; and (if other catholick princes should follow his example, which God forbid) it will not be long ere his most Christian majesty will have finished his work, made himself universal monarch, and have totally destroyed the protestant religion abroad; which done, I appeal to all good and wise men, who love England and the protestant religion, and desire its growth and preservation, how soon, and with what ease, that king may over-run us, and extirpate that religion from amongst us, which we seem so zealous to promote, but by the wilful mistake of many (I fear) are destroying.

Now that I may convince all honest, plain-hearted, and well-meaning protestants, that there are a sort of persons among them who make it their business to inveigle their heads with false and scandalous stories, thereby to possess their minds with prejudice to his majesty and his government, and that those so employed are either all, or most part of them, pensioners of France, who betake themselves to this work with design to destroy the protestant religion rather than preserve it, and to enslave us and the kingdom instead of preventing arbitrary power from being set up over us; and that all the world may see that their actions (when laid open) have no tendency to the advancement of the protestant interest, or securing us against the growth of popery, nor to deliver us from the grievances they pretend the kingdom groans so much under, give me leave to offer to your serious considerations these few following particulars:

First, if they designed to promote the protestant religion, and did heartily desire its flourishing in England, certainly they would then consider the miserable condition of the poor protestants in France, what cruelties they endure; and that would beget such pity and compassion towards those as would put them upon petitioning his majesty for mercy to the few papists in England, and to stop their convictions upon their present prosecutions for some time, rather than to suffer multitudes of protestants, and that religion, to be destroyed abroad, merely to enrich themselves by receiving shares of the estates of papists convicted here: such pity would be more acceptable to God, more agreeable to the spirit of a true protestant, more for the honour of that religion, and, in the end, prove as advantageous to their private interests in this world.

Did these busy gentlemen I speak of design good to England, desire its prosperity, or promote the protestant interest, and had believed the kingdom in such danger of popery and arbitrary power, or that the subjects had suffered under such grievances as

they endeavour to represent to the people, then certainly, ever since their apprehension of such danger, they, upon the opening of every parliament, or session of parliament, would have put the several members of the House of Commons (as well as the lords) upon a right course of preventing the mischiefs they seemed to fear, and delivering us from the grievances they pretended the kingdom suffered under; but as if they had not believed what they reported, they took the contrary course, and, instead of persuading the parliament to moderate sober counsels and proceedings, studied to put them into heats and passions, and upon exclaiming against particular persons to whom they owed prejudice, as being his majesty's servants and ministers.

These upon common fame, before heard, or witnesses examined against them, must be removed from the king's presence and councils for ever, on addresses from the House of Commons, no body knew for what, save fancies and imaginations.

But some of them being too great, and their integrities and abilities for his majesty's service better known to him than them, his majesty did not think fit to remove them.

Thereupon some of these worthy patriots of their country, for several sessions of parliament, made it their business to do nothing, save to contrive differences between the two houses of parliament; for which purpose, they questioned the lords jurisdiction in matters of appeals, particularly in the cases of Sherly and Fag, and others, which controversy they carried so high that Sir John Fag and several lawyers were committed by the House of Commons to the Tower, for only appearing before the lords at their bar, and owning their judicature in cases of appeals from courts of equity; this single point caused several prorogations, and rendered several sessions fruitless, though the same was never before called in question since his majesty's restauration.

Now if those gentlemen, who so highly concerned themselves in these matters, had been of such publick spirits as to spend their time in laying open the dangers they apprehended we were in, and the grievances we suffered under, with design to have prevented those dangers and redressed those grievances, they would certainly have applied to the several members of parliament, pressed for moderation, desired them to avoid all heats and passions, and to look into the plot, search it to the bottom, try the lords in the Tower, examine the truth of the several grievances complained of, find means to prevent the danger of the former, and secure us for the future against the latter: in doing whereof they must necessarily have found who had occasioned both: and, after securing the subjects, then to have fallen on the persons guilty, would have been more proper, for if then these persons had been too great for the parliament, and procured prorogations and dissolutions, yet had the parliament discharged their consciences, done their duty, preserved their country, and deserved thanks and honour from those they represented.

But to fall upon particular persons first, and to do nothing for our security because they could not have their ends against those persons they had prejudice to, give me leave to say, for them to be persuaded to this method of proceedings, in my apprehension, did not argue that either they themselves, or those persons that informed them of the grievances and dangers the nation was said to lie under, believed the truth of either; and if so, then was it a barbarous act to amuse, alarm, and frighten the people from their duty to their prince, with groundless noise and clamour.

If really there were at those times such grievances and dangers as represented, how could the parliament have answered it to God and their country, if, through their private heats and animosities, the mischiefs threatened (and which the nation feared) had fallen upon us? If they had then believed our danger to be so great as they discoursed it to be, and had not known that more noise and clamour was made than there was just occasion for, I am of opinion they would, for their own honour as well as the publick good, have first endeavoured to have secured our future happiness, rather than hazarded the same out of some private pique they had to particular persons.

Again, if these gentlemen, by the endeavours they used to have obtained an act for secluding his royal highness from the imperial crown of England, had designed to secure the protestant religion from a popish successor, had that (I say) been their single intention, certainly they would have made the act general, to bar for the future all persons of the popish religion from inheriting or wearing the imperial crown of England; but to bring in a bill against James Duke of York alone by name, and that whether he be papist or protestant at the time of the king's death (provided he should happen to survive him) this kind of procedure seems rather to be the effect of the malice and revenge of some particular persons against the duke's person (who have gone so far that they judge they cannot be safe if ever he reigns) than a design to secure the protestant religion against a popish successor.

For, first, If such a bill was passed, and his royal highness should die before the king, that act dies with him.

Secondly, If the duke survive the king, he being near as old, it cannot be expected he should live long after him, so it would do little good; nor will it be any great security to the kingdom, to have him barred and no body else.

Besides, the offering of such bill was unmannerly, and put a hardship upon the king, to exclude by a law his only brother from inheriting the crown of England though he should be a protestant, and at the same time (out of zeal to the promotion and preservation of the protestant religion) leave room for the King of Spain (or any other popish successor, except the Duke of York) to succeed our present king, and bring in the Spanish inquisition with him.

What savours this of, or looks it like, but a malicious design of particular persons against the Duke of York? I am certain I can find nothing of a real design in it to secure the protestant religion and interest.

Whereas, if the bill had been made general, to have barred all popish successors, it would have been more excusable, and might perhaps have been judged the effect of the parliament's care of the protestant interest, and it may be would not have appeared so difficult for the king to have passed, if he had found reason to believe it for his subjects good, and with tendency to the security and happiness of his kingdoms.

Because, in such case his majesty had done his royal brother no wrong; he had only by advice of parliament passed a general law for the publick good and security of his kingdoms, that could neither hurt the duke or bar him the succession, without his own consent by declaring himself a papist.

Besides, if this bill had passed into an act, what would it have signified? Have not many of the like nature been passed against several former princes, who, notwithstanding thereof, afterwards lived to sway the scepter in this kingdom?

I know that they will tell you they designed to have seconded this bill with another for an association, whereby to have enabled the people to keep the duke out by force, and perhaps they would have been as angry and uneasy too if that had not passed, which if it had, then might they have presently dethroned his majesty, the present possessor of the crown, and that with as much ease and justice as they can hinder his royal brother from succeeding him, and thereby entail a war domestick and foreign upon the kingdom.

Pray consider whoever sets up against his royal highness's title must have at least 50,000 horse and foot constantly in arms to defend himself, and keep the crown on his head; for the duke is an excellent soldier, a gentleman of personal valour and resolution, a prince of great conduct and interest, (beloved both abroad and at home,) therefore cannot want supplies from his friends here, or the aid of foreign princes (at least of those who are allied to him) to assist him in recovering his right, which perhaps may entail upon us another war for fifty years, and the miseries attending the same, such as that formerly between the two houses of York and Lancaster; and if

such an army must be raised (though no war happen) must not the people of England pay them? and what that will cost, or what arbitrary power that prince may set up that hath such an army at his devotion, I leave to judgment.

Consider whether those that advise to this course of procedure be friends to their country and the protestant religion, take care to preserve the liberty and property of the subject, or rather, whether they are not such as put us upon methods to destroy them all, lay us open to arbitrary power (as we were in the time of the late horrid rebellion) and to all the plunderings, free-quarters (taxes of 60,000l. per month, as was raised by Oliver and his council without a parliament) sequestrations, decimations, imprisonments, banishments, &c. God knows how many mischiefs more may ensue upon such force being raised and maintained as a standing army amongst us, as is absolutely necessary to be kept on foot if the succession be altered.

I cannot believe any honest man, who is really a protestant, loyal to the king, loves his country, and desires its interest, happiness and peace, especially if he lived in the times of the late intestine war, and beheld the miseries the nation then groaned under, can or will, if he has any estate or trade, ever desire a change of government in England, or a necessity of having a standing army to support that government (which necessarily this bill desired, for altering the succession, must have) therefore none but some few malecontents, or such as desire the destruction of the protestant religion, will pursue the same any further.

Having done with this point, and shewn how ridiculous it is for men to distract their minds with the fear or apprehension of his majesty's governing arbitrarily, I proceed to the second thing proposed, and hope to demonstrate by reason, that we are in as little danger of popery prevailing, howbeit a popish successor hereafter should happen to inherit the imperial crown of this realm.

Before I enter upon this, give me leave (for my own justification, and to prevent being censured by the reader) solemnly to declare, in the presence of Almighty God and the whole world, that I am a protestant, and have been bred up in that religion from my youth; I am so far from being a papist, that to my remembrance I never was in any church, chappel, or other place where mass was said, or the popish religion exercised, during such service being performed; I have an equal love and esteem for all protestants, though of different persuasions, so that they be conscientious and religious, and submit to government; and I would have them allowed all liberty, so long as they use it not to the disturbance of publick peace, or the government of church and state; therefore I hope a charitable interpretation will be made of what is here offered to consideration, since I argue (not out of any approbation of the popish religion, or desire of its being established here, or to live to see a popish king reign over us, nor out of any prejudice to any protestant dissenter, but) merely to quiet the minds of those who distract themselves with jealousies of popery over-running the kingdom, if ever a popish successor should reign over us, knowing how dangerous it may be to the protestant religion for protestants to be misled by such idle persuasions.

Suppose such a popish successor should happen, the question then will be, whether that prince or his subjects will suffer most?

I am of opinion that a prince of that religion will find himself very uneasy, and reign with great difficulty over the English and Scotch nations, whatever he may do over Ireland, there being in the two former one hundred protestants for one papist, though in Ireland perhaps there are ten papists for one protestant; and yet even in that kingdom will it not be in his power to establish the Romish religion, or invade his subjects liberty and property, much less to hurt us in England in either of these particulars.

It hath been observed in history, that princes of the weakest titles have always yielded to the best laws, complying with their people, and compounding with them for the government.

If a popish prince ever happen to reign in England, though he be right and lawful heir both by birth and succession, yet will this religion render him suspected by his people of having a design to change theirs, and invade their properties (consisting much in abbey and monastery lands) so they will always keep him as uneasy as they can, and never give him revenue sufficient to maintain such power and force as shall endanger them.

And when the king (to whom I beseech Almighty God to grant a long life and happy reign) shall happen to die, his whole revenue, excepting about 450,000l. per annum, determines with him; so that if his royal highness survive him and be king, he will not (with all his own present revenue joined to that of the crown) have above 550,000l. per annum.

How can any rational man then believe, that with that revenue he will be able to raise and maintain such force as must necessarily be kept on foot for his own security, if he goes about to change the government, or alter the religion of the kingdom established by law?

Our present king, though he hath had a revenue of two millions, or a million and a half yearly, and now has above a million per annum, never yet attempted such alteration; and shall the Duke of York (supposing he had a will to do it, which I am confident he neither hath, ever had, nor will have) be able to establish arbitrary government or popery with 550,000l. per annum? It is in my poor judgment altogether impossible.

Object. I allow the duke with such a revenue cannot hurt us, but the French king having at least 200.000 men in arms, and a revenue sufficient to pay them, and being obliged to keep those armies employed abroad, to prevent their rebelling at home, he is so zealous for establishing popery throughout Christendom, and rooting out heresy, that for promoting so meritorious a work he will supply our king, if a papist, with arms and money sufficient to carry on that design with success here.

Answer. It is great folly to imagine that the French king, who knows his own interest (though it be true he neither wants men or money to carry on any design he undertakes) should assist our king with either, for the uniting him and his subjects under arbitrary power, or any one religion whatsoever (though popery itself) both being destructive to his interests, and a putting power in the hand of our king to break all that king's measures, and prevent his making himself universal monarch (than which nothing is more by him desired and endeavoured.)

For if once the King of England and his people were united under either, the French king knows he will be able to give check to all his further prosecution of that design; therefore, though he may (and I believe does) spend 100,000l. per annum in paying pensioners, employed by him or his ministers to divide between the king and his subjects (which being his interest to have done, he will spare no charge that may contribute to the doing thereof) yet would he not give 20,000l. to make our king absolute, or unite him and his people under any one religion whatsoever, though popery itself.

For he is a wise prince, studies his interest, knows how he parts from his money, and will dispose of none to carry on any design that may turn to his prejudice, than which nothing in the world can be a greater than to have the king and his subjects united.

What hurt then can his royal highness do his subjects if he succeed his brother, since there will not be left, when the king dies, revenue sufficient to support the necessary expence of his royal family and government, without supplies from abroad or at home; and if no foreign prince but the French king can, and that king will not supply him, must he not then immediately call a parliament, must not the people chuse that parliament, will the people of England (awakened as they now are, and then will be, with fears and jealousies of the danger of popery coming in upon them, and losing their

estates, (consisting of abbey and monastery lands) chuse any members to serve in those parliaments, but such as they can trust and depend upon to provide for the security of their lives, liberties, religion, and properties; or will those parliaments when met (being equally concerned in interest with their electors) ever give such popish successor any revenue to hurt or destroy their own interest?

It is nonsense to believe they will give him a groat, till they have provided for their own and the kingdom's security in all these particulars; and they know not his royal highness, that have so ill an opinion of him, as to believe him so irreligious, so weak of judgment, or void of understanding his own interest, as to accept the crown, and take the coronation oath, if he resolve not to keep and observe the same, by governing according to law, and securing his subjects in peace, by preserving to them their religion as well as their liberties and properties.

His royal highness cannot be ignorant of the jealousies the subjects of England have already of him, and well know those jealousies will certainly increase when he comes to the crown, therefore must expect when he calls a parliament, that that parliament, when it meets, will certainly tell him——

That having left our church, and thereby declared himself a papist, he cannot be trusted with the disposing of any ecclesiastical promotions, or with any sum of money that may endanger the kingdom, by assisting the papists; nor will they suffer persons of that religion to come near him or his court, to influence his councils, as we vainly imagine.

So that, in my poor opinion, the kingdom under such a prince may obtain such laws, and other conditions, for securing their religion, liberties, and properties (before they give any money) as they would never dare to propose, or could ever hope for or expect from a king of our own religion.

Besides, no man that hath common sense (whatsoever he says to the contrary) can believe that ever his royal highness (if he be of another religion than that professed in this kingdom) can, if he should live to wear the imperial crown of this realm, ever hurt us, though he should design so to do.

For being of a religion, to which the generality of his subjects have a great aversion and antipathy, and having but a small revenue, an inconsiderable party, and that party fettered with laws, and the whole kingdom alarmed, and for their own security armed, and in a posture to defend themselves, it will be impossible for him to subdue such a nation, in such a condition, and under such jealousies and circumstances.

Nor will he be able to break through the laws made for the defence of our religion, more than he will to violate those made for the security of our liberties and properties.

If, after all this, we shall persist in our folly, and close with nothing offered, except an act for excluding his royal highness to go along with it, then of all nations on the face of the earth is ours (in my opinion) like to be the most miserable.

For such alteration of the succession (as it is said before) must be maintained by force and a standing army (a crown being always esteemed worth fighting for) which force we transmit to posterity, with a disputable title, for a new trial of skill, like that anciently between the houses of York and Lancaster, which every good man must certainly dread the thoughts of, when he seriously considers, that war lasted about sixty years, cost the kingdom its whole treasure, besides the devastation and destruction made throughout the same (especially in the north) and the many hundred thousand mens lives were lost therein; and yet that war was occasioned only by varying the hand from the children of the Duke of Clarence, third son to the issue of John of Gaunt, the fourth legitimate son of Henry the Fourth, and no bastardy in the case.

I do not find in all my reading, that any government throughout the world, since the reformation from Rome, ever made a law to prohibit a successor of that religion

from reigning over them; Henry the Third of France, though earnestly importuned by the holy league, to exclude the king of Navarre, refused so to do, though that king was a Huguenot.

In Edward the Sixth's time, no statute was made to bar a popish successor, then in prospect, though the reformation was in its infancy, and most subjects were papists; so that after his decease Queen Mary was admitted to the crown, (from whom the kingdom had little reason to expect any great happiness) rather than the Lady Jane Gray, who was a protestant; and this done, because they would not bring a disputable title of the crown upon themselves and posterity.

In Queen Elizabeth's reign, which was after the severe persecution of Queen Mary (a persecution sufficient to have begot an eternal hatred in the nation of any future popish successor, and to have justified that queen in passing a law for preventing the same) yet was there no positive law made in her reign to bar Mary Queen of Scots, then alive, who was a papist, and her majesty's lawful successor; all that was then done, was by an act of the 13th of her reign, which made it treason to say the queen and parliament could not dispose of the crown, but they never actually disposed thereof.

And give me leave to say, that such a precedent would most certainly be as dangerous to our king now, as that wise queen thought it might have been to her then; for that prince, that shews his people a method of disposing the succession, at the same time shakes the title of his own possession.

All the instances of former parliaments settling the crown upon Henry the Fourth, Edward the Fourth, Henry the Seventh, and their issues, comes not to our point at all, not being done upon account of religion, but before the Reformation, when all were of the religion of the church of Rome.

Those acts therefore were made to quiet the succession, which force had unsettled (not to discompose a rightful succession undisturbed) and to prevent that war and bloodshed, that was rational enough to believe would have followed, and been the consequence of disturbing the lawful succession (not to break in pieces an acknowledged and peaceful succession, and involve the nation in blood, for many generations to come) they were so far from doing that, that rather than the kingdom should be distracted with uncertain titles, an act was passed in Henry the VIIth's reign, to command obedience from the subject to the King *de facto;* afterwards the kingdom, though secure, was never satisfied, till Henry the VIIth married the Princess Elizabeth, daughter of King Edward the IVth.

Again, if matter of opinion in points of religion shall be esteemed a reason of state sufficient to exclude a lawful successor from his crown, then has a prince harder measure than the meanest of his subjects, by any law yet made; and the peace and happiness of these kingdoms hangs upon a very slender thread, for then if the people should design a rebellion, they need only pretend a dislike of their prince's religion, to bar him from his crown and government.

I hope the wisdom of our parliaments will give no such advantage against protestants to their adversaries of Rome, as that Rome shall ever have occasion to say with truth, we protestants in England have by a law made our prince incapable of reigning, because a heretick from the protestant religion, whilst we ourselves are striving to make Rome look black and odious for that most damnable doctrine of theirs, that princes may be excommunicated as hereticks, afterwards deposed by the pope; so detestable a doctrine, that we make all persons, that take the oath of allegiance, renounce and forswear it; let us therefore have a care we do not imitate them in that doctrine we so much condemn.

Consider seriously, whither such a course will lead us, and then judge whether fit to be taken, especially upon such a contingency as this (of the duke's surviving his

brother) which perhaps may never happen; but if it should, he is of too great an age now to begin such change of government and religion, as is suspected, with any hopes of accomplishing the same in his own time; if so, and it be also true, as it is, that he is without hopes of a successor of his own religion, to carry on such attempt by him begun (the Prince and Princess of Orange, and the Lady Anne, being all protestants) why then should any man believe his royal highness so weak a prince, as to attempt such change with so small a number of men as his religion shall have left him; which will appear so very small, as not to be feared by Englishmen when Rome shall assault their religion and properties, and oblige them to fight for the same?

That prince, be he who he will, that shall at any time come into England with popery, will come in with weakness and inability to hurt his subjects by any force of his own; nor will any neighbouring prince, unless he and all his subjects be lunaticks, help to make him absolute, that being to endanger themselves.

What prince will be at charges, exhaust his treasure, weaken himself to strengthen his neighbour? nor is that prince much less than mad, that should, in such a case, rely on or trust to such a neighbouring prince for assistance.

And for his own subjects, they will be more dangerous and uneasy to him than he can be to them; for such prince being without reputation, trust, or money at home, will be without assistance from abroad; and his own subjects will never assist him to break their own laws, well knowing no prince ever attempted the same but he hazarded his crown by making the essay; nor did ever any prince actually break through the laws, but he was ruined and lost his crown thereby.

Nor is it in the power of the Duke of York, if he succeed his brother, to break our laws in either of the respects feared; but if ever they be broken, it must be with mutual assent of both prince and people assembled in parliament; for as our law now stands, no magistrate can do any legal or judicial act in any inferior court of justice, nor bear any public office, civil or military, nor accept of or be admitted into any ecclesiastical promotion, or meet to vote in either house of parliament till they shall have first renounced popery, by taking the oaths and tests, and making the subscriptions by law required.

If therefore a popish successor should hereafter happen to reign over us, he will find it very difficult to repeal those laws that establish our religion; the consideration that the subjects will always have, being fresh in their memories, of the fire and faggot Queen Mary exercised in her reign for the rescuing the popish religion, will oblige them to a stedfast resolution never to depart from that of their own, I mean the true protestant religion; and until those laws be abrogated by parliament, it will be absolutely impossible for any popish successor to establish popery here.

If, then, what I have offered to consideration be true, and it shall appear impossible to settle a government in this kingdom, out of the royal family, that shall continue, as the late rebellion hath demonstrated, or to hinder the crown from descending in its due course, without endangering all our ruins and the destruction of the three kingdoms, then am I sure every true protestant that either loves God, or the king and government, or wishes happiness to himself and posterity, and the true protestant religion, must surcease all further attempts for altering the same, since nothing imaginable can have a greater tendency to the entailing confus on and misery upon us, and the generations to come after us.

And the better to persuade to this mode of procedure, consider, that the king cannot but have the resentments of human nature, as he is a man, though (returning to his kingdom after the horrid and barbarous murder of his royal father, and the illegal banishment and long and miserable exile of his own, with divers proclamations after him, setting prices on his head to have betrayed him) e hath shewn and exercised the mercy of a most excellent Christian and gracious sovereign; for wwho can say, with

truth, that his life, liberty, or property hath been taken away, or invaded by him contrary to law, or without legal trial by their peers, since his restauration?

Blame not, therefore, his majesty, the impressions of these former usages being fresh in his mind, if he, taking notice of the late violent and unwarrantable proceedings against him, and apprehending from thence the same mischiefs now designed as heretofore, seem tenacious in some points of his royal prerogative; lest the government, by the wicked practices and restless endeavours of some aspiring subjects, uneasy in obeying any government in which they have not a share, and accounting it usurpation to be deprived of that part thereof which they heretofore too long enjoyed, should once more revert and start back.

This will appear at last, if I be not greatly mistaken, the chief occasion of all our present unhappy and highly to be lamented, divisions, and of the distrust created between the king and his people, each fearing to be bound, both striving to be free; those who contrive to bind the king faster believe he designs himself to be loose, judging of the king's actions by the measures of their own wicked and fallacious intentions; and thereupon strive to break all his measures, and disappoint him in all his undertakings.

And if this be the occasion of our present misery, every loyal subject and true protestant in England, that loves the king, his country, and religion, ought to make it his business to prevent these misunderstandings for the future; which, if he would seriously, and with sincerity and truth endeavour, I am of opinion the work would not be so difficult as our jesuitical incendiaries and French pensioners represent it to be, and persuade those among whom they converse it is.

That Almighty God, of his infinite goodness and mercy, may be prevailed with graciously to bestow so great a blessing as this upon these poor distracted kingdoms, give me leave to propose to every man's consideration the practice of these following directions:—

First, be truly humble for, and unfeignedly repent of, all your former sins by which you have provoked God to anger; and turn from all your iniquities for the time to come, that his wrath may be appeased, and he may repent him of the evil intended against us.

Love God with all your heart, serve him with all your strength, make his holy word the rule of your life, and the measure of all your future actions, daring to do nothing contrary thereunto, or derogatory to his holy commands.

Live by faith, not by sight; walk with God, and be upright; do your duty, in your place, to God, the king, your country, your neighbour, your family, and to your own soul.

Make it your business to be holy and humble, value the love and favour of God, and an interest in the merits of his dear Son your Redeemer above all things whatsoever, and endeavour to obtain to yourself a well-grounded assurance thereof.

Die daily to sin, self, the world, and all things therein; and live to that God by whom you live, giving him the glory of all his goodness and mercy extended towards you.

Set not your affection inordinately upon things below, which are all vain, momentary, and uncertain, but on things above, that are eternal.

Be contented in every condition, thankful and fruitful under every various dispensation of God's providence; submit to his will, acquiesce in his pleasure, bless him for what you have, and murmur nor repine not because you have no more.

Envy not those who are above you, and possess more of the riches and honours of this life than you enjoy; but behold with pity and Christian compassion how many there are better and more deserving, perhaps, than you, who yet want what you enjoy, and, it may be, sinfully waste; help and relieve such with a part of what you have.

Trust God with the government of the world, and submit to the powers that are over you, as being of him; believe he is a jealous God, will take care of his glory, vindicate his honour, advance his kingdom and the interest of Christ, and propagate his gospel maugre all the opposition of men and devils; and that this he will do in his own way, and at his own time, without any direction or assistance from you therein; remember that he knows best what is good for you, and has promised that all things shall work together for good to those that love and fear him, and keep his commandments; and that he will keep them in perfect peace, whose minds are staid on him, because they trust in him; be not therefore wise in your own conceit, and think that you can direct God; Solomon saith, "Seest thou a man wise in his own conceit, there is more hopes of a fool than of such a man."

Judge yourself and not another, meddle with your own and no other man's business, search your own heart, and try your own spirit whether it be of God; look into your own deformities, and mend what is amiss in yourself, before you undertake or go about to find fault with or reform others; every one mending one, is the only way to mend all; and by such reformation and amendment we are fit for mercy: God will give it if we seek it in a right way.

Think and esteem every man better than yourself, for the lower a man is in his own conceit, the higher he is in the esteem of God and good men; the proud, God sends away empty, and causes to stand afar off, but to the humble he will draw near, and him will he fill with good things.

Live in love, and, as much as in you lies, follow peace with all men.

Do as you would be done unto, love your neighbour as yourself, forget and forgive injuries, recompence good for evil, pray for those that hate you, do good to those that despitefully use you; yea, pray for your enemies, and do them good, if in your power, but not hurt.

Lay aside all malice, prejudice, and thoughts of revenge against all mankind; let not difference in opinion in matters of religion beget difference in affection, especially amongst protestants, but unite in love, bear and forbear with and hide the infirmities of each other.

Be easy to believe and make known what good you hear of any man whom you have reason to judge honest, though of a different persuasion from you; and as hard to believe ill, unless you know it, and more of discovering it, except to himself, lest it prove false.

Give not credit to all you hear, neither divulge all you know; take care not to invent and spread abroad any false stories, to the defamation of any person whatsoever, especially of those that are set in authority over you, and to whom you are obliged to be subject, whereby their honour, reputation, or good name may be called in question or prejudiced, or their persons and government rendered low or contemptible; this is abominable, worse than murder, reputation to a man of honour being dearer than life itself.

Lay aside and give over all names of distinction, such as Tory, Whig, Fanatick, Tantivy men, Bruminghams, Masquerade-papists, Masquerade-protestants, Church-whigs, Church-papists, and all provoking scurrilous speaking, writing, and printing against each other; these are publick mischiefs, tending to the destruction rather than the advancement of our government or the protestant religion, and proceed from the spirit of the devil rather than from that of our blessed Saviour, whose example we are commanded to imitate.

Be just, follow truth, pursue righteousness, execute justice impartially, relieve the oppressed, cloath the naked, feed the hungry, visit the sick, release the imprisoned, be a husband to the widow and a father to the fatherless; always go about doing good and no hurt, avoid all frauds and deceits, deal fairly and above-board with all man-

kind, abhor all tricks and little cheats; they will never last long, or do any man long good; God will discover and detect them, to the scorn and contempt of whoever uses them, either on one side or the other, be the pretence what it will for so doing, there being nothing that He, who is the God of truth, more abhors than such base and false practices.

If every man would make it his business to observe these few directions, and submit, as commanded, to the powers that are over him, as being of God; pay the king the honour and duty due to him as his sovereign, and prefer as he ought the publick good and welfare of the kingdom before his own private interests, which now too much governs most men in our age: And if the people of England, when they shall next elect members to serve them in parliament, would chuse such persons to represent them as shall, when they come together to consult of and provide for their interests and security in their religion and property, carry on their debates with calm and serene spirits, lay aside all passion, prejudice and prepossession; act with moderation, wisdom, and prudence, and behave themselves with that loyal and dutiful respect to the king which becomes them, and is their duty as they are his subjects; his majesty would then soon perceive, and easily be brought to believe, that he need not fear them; and with confidence I will presume to say, the king is not in such a condition as that his subjects need to fear him, there being more danger of a commonwealth than of absolute monarchy where the people set up for reformers.

By this way of proceeding, the king, who is of a most excellent temper and disposition, ready to pass by and forgive whatever has been amiss so amendment be made for the future, would quickly be gained by his people; and, as he is our sovereign, give me leave to say, he ought to be thus treated. Hereby the kingdom may obtain reasonable laws for their security against all their present fears and jealousies, and future dangers; so as such laws be pursued with becoming humility and duty, and without heats and passions. However, if, by this method of proceeding, the parliament should not arrive at those, both reasonable, and perhaps necessary, laws they so pursue, yet will they have peace and satisfaction in their own mind, remain quiet in their consciences, and be justified before God and man for having done their duty both to their king and country.

On the other hand, devise what good laws you can for the nation's security, though you should get them past, yet if they be pursued in parliament with heat, violence, or any unhandsome or unmannerly way of proceeding, such procedure I am sure cannot be justified either before God or man, let the pretence for so doing be ever so specious; and give me leave to say, that the most just and reasonable things in the world may justly be denied, if demanded or pursued in a method that is unjustifiable.

Nor does it become so great and venerable an assembly as the parliament of England, when met together to advise the making laws for the preservation of the nation in peace and tranquillity, to be themselves froward, restless, or peevish; wherefore I shall comfort myself at present with the hopes of seeing our next parliament come together with all the qualifications of wisdom becoming the greatest and freest assembly in the universe; and proceeding with temper, moderation, and prudence, of which there never was more need than now; and, if they so do, I doubt not but that they may effect that good they hope for, seem to desire, and ought to pursue for their country, if they do their duty and perform the trust reposed in them.

So may they gain glory to themselves, and be eternally stiled, The happy and healing parliament; and the generations to come will have cause to call them blessed, for having healed our divisions, reconciled our differences, made up our breaches, united the king and his people, restored to us the paths of peace, and transmitted happiness to us and our posterities, and to the generations that shall come after them.

Reflections upon the Conduct of the King of Great Britain in the late Wars; contained in a Letter from a Subject of one of the Confederated Princes, to a Friend in Holland. 1682.

This sensible little treatise points out, in few words, the evil policy by which Charles was guided in all his exterior relations. The scandalous cause of his indifference to the fate of Holland, and the encroachment of France, is now too plainly to be traced to the pensions which he derived from favouring the latter.

SIR,

SINCE, in renewing the correspondence between us, which has so long a time been interrupted, you are fallen upon the subject of the affairs of Europe, and particularly touching the share that the King of Great Britain has had therein for some late years, which has given you occasion to take some freedom in making reflections upon the conduct of that prince, I do not doubt but you now reciprocally expect my sentiments upon this matter, which, by consequence, I will give you with the same liberty, but also with all the impartiality that an honest man can have in judging of the actions of others, and much more of those of great princes. You may easily imagine I know nothing of the articles of that treaty of alliance you speak of between the said king and Spain; and I must confess to you, that the author of the reflections upon that treaty seems to have found a fine matter for the exercising of his pen. But, as amongst all the sportings of his wit, the severest remark he makes seems to me to be in the paragraph where he blames that king for not having endeavoured to put a stop to the course of the victories of France when it lay in his power, and for having contributed more than any other to the greatness of France; it does likewise concern us allies, for the measures we are to take, to judge soberly. If this imputation can be justly charged upon that prince, it is then very true that, to take the thing in general, 'tis difficult not to lay the blame at his door for not having taken the part of the allies before the peace, and that this seems to justify our resentments against him. However, to give them so much the more ground, if they are just, let us consider what time in the course of affairs could be assigned to him for the entering into war; and to decide that question in general, it seems it ought to have been either when the interest of his nation, or his own honour, or the necessity of the allies, began to exact it. Now, as for the interest of his nation, and principally of his great city of London, methinks that king could not have chosen a better policy than, after being got out of the war wherein he had left his neighbours engaged, to keep his people as long as he could in peace, and in a state of enjoying alone the commerce of Europe; an advantage which we know was envied them with anguish by you Hollanders, and which made you so impatient to engage England in a war as well as yourselves, even before the honour of that king obliged him to it, or he was pressed to it by the necessity of the allies. As for the honour of his majesty, what could he desire more glorious than to see himself

the sole mediator, and, when he pleased, the arbitrator of the affairs of Europe, to receive the deferences and addresses of all other princes; and, in short, to have it in his power to re-establish a sure and honourable peace when he thought convenient, either by his own sole authority, or by joining his own forces when it should be necessary to employ them for that purpose? This case of necessity being the sole one which could change the considerations of the honour of his majesty and the interest of his nation, we have now to examine at what time it began, when it was pressing, and how far we may impute to the prince we speak of the having failed in what all these considerations together counselled him to do. We shall easily agree, that while our forces were sufficient, not only to defend us, but even to attempt upon France, it would not have been handsome for us to have proposed to that king to have engaged himself contrary to the interests of his nation. Now it is manifest that during the three first campaigns, at least, after the peace between his majesty and Holland, we were in that posture, which may be easily made appear by looking back upon the events of those campaigns. Certain it is, that at and after the battle of Seneffe, in the year 1674, the forces of France were worsted, and continued in the weakest condition, the prince of Conde was obliged to retire behind the Sambre, and the army of the confederates was then in a posture of laying siege to Oudenarde; and though the prince of Conde made an effort to come suddenly to its relief, he would in all probability have been repulsed if the Count de Souches, general of the imperial army, would have come up in time according to the advice of the Prince of Orange, of which his highness made great complaints to the emperor; and several of the principal officers of the army refused to serve any longer under this count, which obliged the emperor to take away his commission. The armies of the allies were likewise much the stronger upon the Rhine that same campaign; the Elector of Brandenbourg took his winter quarters in Alsatia, from whence Monsieur De Turenne was obliged to retire and go to Paris; and though by an admirable diligence and conduct he returned the same winter, and constrained the forces of the elector to repass the Rhine, which he likewise passed himself, make to the campaign of 1675; this however having been his last and fatal year. General Montecuculi repulsed and pursued his army, diminished by above half, to the other side of the said river, and laid siege to Saverne; and though when the Prince of Conde, who was sent to save the ruins of that army, and give reparation to the affairs of France, approached him, he raised the siege, yet indeed it was only to triumph over that prince, and to drive him before him as far as he pleased; after which, when it seemed he might have made some good use of his advantage, he attempted nothing farther before their going into winter quarters. On the other side, the total rout of the Marshal de Crequi, by the forces of the Dukes of Lunenburgh, and the recovery thereupon of the city of Treves out of the hands of the French, had reduced their affairs into that condition, that his most christian majesty found not a more present remedy than to have recourse to his Arricreban, which was likewise beaten by the Duke of Lorrain; the Elector of Brandenbourg having besides so gloriously freed his country from the Swedes, and the Duke of Lunenberg, and Bishop of Munster, having stripped them of all they possessed in the dutchy of Bremen, except the city of Staden; Denmark likewise having taken part in the war, whereby the Swedes remained altogether unable to defend themselves, and much less to assist France, the forces of the allies began to be formidable to it, and found themselves capable, in the campaign of 1676, to attempt at the same time the two sieges of Maestricht and Philipsbourg. But, as most of them saw themselves in a fair way of making conquests, jealousy began to rise up among them, each party fearing that his neighbour would have too good a share therein; the disputes for the dividend having delayed the taking of Staden, as well as the succours which were to have come to the Prince of Orange of the troops which blocked up that place, were the causes that this prince was obliged to raise the

siege of Maestricht, during which the French had time to take Aire from the Spaniards. Hitherto we all thought ourselves uppermost in our affairs, which I might easily demonstrate by things that passed openly in the congress of Nimeguen; where it was clearly to be seen by all the world that the most christian king aimed at nothing but securing his honour by a peace that might have given us satisfaction. But after the misfortune of Maestricht, the Hollanders began to fear, with more apprehension, what afterwards happened, namely, That the remissness and different interests of the German princes, the weakness of Spain, and the diligence of the French, the Spanish Low Countries would be swallowed up in spight of all the forces of the confederates. Yet, as by the taking of Philipsbourg the power of the emperor was augmented, by that of Staden the Princes of Lunenburg and of Munster had their hands free, that they promised a good and sincere correspondence; and as there were great hopes conceived from the zeal and good conduct of the Duke of Lorrain, who commanded the imperial army, the power of the allies seemed still vigorous and formidable. But as the most christian king, by his usual diligence, began the campaign of 1677 with the sieges of St Omers and of Cambray at the same time, before any army of the allies could or would appear, except that of the States; and the Prince of Orange being nettled with the reproaches of the Spaniards, that he did but eat up their good land of Waes while he saw two of their towns besieged, out of a generosity which filled them with admiration, he hazarded both his army and person for the relief of St Omers; but without any other success than what might be expected from an army inferior in forces to that it attacked, which was likewise powerfully succoured by that of the king, insomuch that the abovementioned places, and the town of Valenciennes, were thereupon taken by the French; and afterwards the Prince of Orange was obliged to quit the enterprize of Charleroy, by a laudable and necessary prudence not to hazard once again all the forces the States had left for their defence. On the other side, it was evident that it was impossible for the Duke of Lorrain, and would be always so for the Imperialists, to make any great invasion into France, or to execute any considerable enterprize elsewhere, while the French should content themselves with acting upon the defensive with a sufficient army. I must confess it was in that juncture our affairs began to stand in need of some powerful intercession of the prince whose conduct we are considering, and it is from what passed since in England that we are principally to judge of his intentions.

The parliament had been a long time making him addresses to recall his troops out of the service of France; and though his majesty, suffering at the same time six regiments of his subjects in Holland, and being to keep his neutrality as mediator, did at first only forbid by his proclamations any new troops from passing into France, he recalled them at length; and they returned very much diminished in number, and misused, as is well known. But as this was but the least remedy to our evils, and the parliament had more warmly taken the alarm in the beginning of the campaign 1677, those gentlemen were of opinion that it was time to make some paces towards a war, and prayed the king in their addresses to fortify himself with alliances against France. Hereupon, to our misfortune, which will be found theirs likewise at the end of the account, jealousies began to break out between the king and his parliament. His majesty demanded of them a sum of 600,000l. sterling, as necessary for the putting him in a posture of speaking and acting as became him; those gentlemen gave him credit for only 200,000l. with general promises of assisting him after he had made his alliances. His majesty imagined that the course they took was an encroachment upon his prerogatives, and upon that prorogued from time to time their assembly until the beginning of the year 1678. In the mean while, after the end of the aforementioned campaign of 1677, he called his nephew, the Prince of Orange, into England, for the personally concerting affairs with him, and giving him in marriage the Lady Mary,

against the will, as was believed, of the Duke of York, that princess's father; which methinks is a sufficient testimony that this king withdrew himself entirely from France, and it has not been doubted but that the French so understood it. His majesty made likewise thereupon an alliance with your republic, and at the assembling of the parliament communicated to them these things, with promises, if they would arm him sufficiently to enter into a war, that he would never be at rest until he had re-established a peace in Christendom, which any one prince should not be capable of disturbing. Those gentlemen thereupon presented an address, wherein, giving him still only general promises of assistance, they desired him to make new alliances, engage all his allies not to make any peace but upon the foot of the treaty of the Pyrenees, nor to have any commerce with France, nor to suffer the ships of any nation to enter or go out of the ports of that kingdom. This proposition, which was very remarkable, gave different motions to those it concerned; most of the allies took courage, seeing the assurance and resolution with which those gentlemen spoke; it gave astonishment to you in Holland, where you were not desirous to embark in a long war, and were content with a peace of less safety; and your profound dreamers in policy did already imagine that the English might carry their arms as far as formerly into France. But it was very displeasing to the king, as may be seen by the answer he made thereto, which was found very rational, and wherein, after his arguments, he presses them again to hasten their assistance of money as the time required; but there still passed a month or more, before they compleated the resolution for money to raise forces. By that time the French had made themselves masters of Ghent, and were in a condition of proceeding much further before the succours that were preparing in England could hinder them. The Hollanders seeing none of their allies ready, some refusing to march, their own forces being for the greatest part in the Spanish towns, from whence they could not withdraw them, and the rest being uncapable to defend them, were in a great consternation. The most christian king did not fail to take advantage of this juncture, and having made them propositions of a general peace, which he caused to be printed, they easily disposed themselves to accept them, and to persuade their allies to do the like. They sent for that purpose to the Duke of Villa Hermosa, who opposed it a long time; but the parliament in England, seeing by the disposition of the Hollanders that it would be almost impossible to prevent the peace, and not being willing to leave the king armed, turned all their thoughts from war, and took the resolution to speak no more of money until they had obtained their demands in affairs of religion; that duke did likewise then accept of the peace, seeing there was no timely succour to be expected from England.

This, sir, I take to be the true draught of things, from whence we are to judge if the King of England is the only cause of the greatness of France. We may certainly say, the jealousies that arose betwixt him and his parliaments were the true occasion of them. It was to be wished, both for him and us, that either one party or other had yielded sooner. I am not well enough acquainted with the maxims of their country to decide positively which ought to have done it. The king not only thought his prerogatives were usurped upon, but seemed to have just apprehensions of engaging in a war, which it was in the power of his people to put an end to by shutting their purses. If they had furnished him with the sum of 600,000l. when he demanded it, he might either have engaged himself in a war, or been in a posture of making peace, as he thought convenient; but those gentlemen dreaded to put arms into the hands of his majesty, for fear he should make use of them to render himself absolute: however, since they found it necessary to do it afterwards, had it not been better they had done it in time? To speak the truth, methinks that great body, though composed of so many wise heads, did not sufficiently foresee what might happen, or those gentlemen did secretly aim at peace while they openly declared for war; and they hoped the heat

and resolution which they shewed for the latter would produce the former without striking a blow, and such an one too as they desired. We must however say, that they shewed a great deal of wisdom in not continuing inflexibly bent to the last to hazard rather the ruin of Europe than to confide an army in the king The consideration they had for the publick good has likewise appeared, in that they made no difficulty of paying that army, though the king kept it on foot much longer than they ordered, for the obliging the French to restore the towns of the Spanish Netherlands before the restitution of the Swedes. The king likewise, on his side, had manifestly made appear the little ground there was to suspect him of a design to render himself absolute; since, having that army so long at his disposal, he made not the least use of it to that purpose: methinks then that his subjects may be in repose on that side; and would to God for our interests, that the future parliaments may be in the same disposition as was that we speak of, of yielding rather to his majesty, than suffer France to draw the fatal advantages from their dissention, which in all likelihood it will endeavour to do.

I am, &c.

The memorable Case of Denzil Onslow, Esq. tried at the Assizes in Surry, July 20, 1681, *touching his Election at Haselmere, in Surry; wherein is much good Matter and Direction touching the due ordering of Elections for Parliament.*

In this remarkable case, the person elected to serve in parliament seems to have been found entitled to proceed in an action at law for recovery of damages against the sheriff, by whose false return he was for some time kept out of his seat. But although this is the amount of the case as far as here reported, yet it is certain that, upon farther procedure, this principle was found inadmissible; for in the great case of Ashby and White, 1703-4, an argument is founded upon the case of Onslow, shewing that damages had not been finally awarded by the courts of law:—" I must confess I take the case of the elected to be much stronger than the case of the electors; and yet in such cases relief at common law was always denied, as in the case of Sir Samuel Barnardiston and Soame; there the sheriff made a double return; and in the case of Mr Onslow a false return; and the persons injured by those returns were put to very great charges, and kept long from their seats in the house, and yet at common law could never obtain a relief. The judges were of opinion (as they now are in the case of the elector) that it was a matter of parliamentary cognizance, of which they were not competent judges. And should we now admit this matter to be determined by the courts below, what great confusion and inconvenience would follow? I presume nobody will pretend to exclude the jurisdiction of the House of Commons in this case; and yet if they judge one way, and the courts below another, and neither have power to supersede or reverse the determination of the other, under what uncertainty will the officers and others concerned lie? Whereas in other cases, where one court errs a superior court reverses; but here both adjudications shall stand together, though inconsistent the one with the other."—*State Trials, VIII.* 94.

At the Assizes holden for Surry, on Wednesday the twentieth Day of July, in the Year of our Lord 1681, *at Kingston upon Thames, was tried before the Lord Chief Justice of England, Sir Francis Pemberton, this Cause.*

The Declaration.

DENZIL ONSLOW, Esq. had brought his action on his case in the court of Common Pleas, against William Rapley, late bailiff of the borough of Haselmere; thereby setting forth, that Haselmere was an ancient borough that used to send burgesses to parliament. That a writ issued to the sheriff of Surry, to cause knights and burgesses to be chosen for the parliament to be held the 17th day of October, *anno* 31 *Caroli Regis*. The sheriff made a precept to the borough of Haselmere, to chuse burgesses. That August 31, *anno* 31 *Caroli Secundi*, the plaintiff was duly elected one of the burgesses, and returned by indenture with Sir William Moore. That the defendant, intending to deprive the plaintiff of the honour and benefit of his election, did by another indenture return Sir William Moore, Bart and James Gresham, Esq. as duly elected, whereas the said Gresham was not duly elected; whereby the plaintiff was hindered from sitting in parliament, and put to great charge to assert his right to his damage of two hundred pounds.

After not guilty pleaded, upon evidence given on both sides at the trial, the case appeared to be thus.

The Case and Evidence.

AT the election in this borough for the last parliament at Westminster, there were four competitors, viz. Sir William Moore, the plaintiff, Mr Dorrington, and Mr Gresham. The electors meeting and voting, the poll was demanded, granted, and taken; the defendant took time to peruse and consider the poll until the afternoon; and having considered of it, came again to the place of election, and declared the plaintiff and Sir William Moore had the majority of the ancient and lawful burgesses, and proclaimed them two to be duly elected, and sealed an indenture thereof accordingly; and Mr Gresham being then present, opposed not the same, but desired that Sir William Moore (with regard to his title and quality) might be first named in the indenture, although (as was then admitted) Mr Onslow had the majority of him; which was done accordingly, Mr Onslow readily and generously consenting to the doing thereof.

That about a week or fortnight after, the bailiff was prevailed with to seal and return another indenture, whereby Sir William Moore aud Mr Gresham were returned as elected. Whereupon Mr Onslow's right to sit was controverted, and he suspended from sitting; and was put to his petition to the house of commons. Who, upon hearing of the whole matter, and consideration had of the indirect dealing of the defendant and others, declared Mr Onslow duly elected, and committed the defendant. And Mr Onslow sat in the last parliament at Westminster for that borough, and that Mr Onslow had been at great charges to clear his election.

I. The defendant's council insisted on the statute of 1 Hen. 5. cap. 1. That a person elected must be free, resiant, and dwelling within the borough. To which it was answered, and resolved by the court, That little or no regard was to be had to that ancient statute, forasmuch as the common practice of the kingdom had been ever since to the contrary; and it was the way to fill the parliament house with men below the employment; and the objection was disallowed.

II. It was agreed unto by the parties and their council on both sides, that the right

of choice of burgesses for this borough to parliament lay in the burgage freeholders, resiant and inhabiting within the borough, and none others.

Then the plaintiff's council insisted and proved, that there voted for him thirteen, having good and unquestionable votes; unto one whereof the defendant's council excepted, for that he before the election had mortgaged his estate: which the party himself, present in court, denied upon oath; and the court was of opinion, it had not been a good objection, if true, so long as the mortgager continued the possession, and had the benefit of redemption in him.

The defendant's council said, there voted for Mr Gresham fourteen, having good votes; which, if so, would have made a majority; but the plaintiff's council excepted to six of the fourteen, as being no good electors, for that one of them lived not within the borough; which was proved by ancient reputation and perambulation, that the house wherein he lived was left without the bounds. As to the other five, the objection was, they were no real burgage-tenants; and that if any conveyances had been made to them of burgage-lands, they were lately made, and fraudulently contrived, to make votes against an election; and because the defendant's council could not deny but these conveyances were lately made, the court put the defendant to produce and prove them, which was done; and upon reading of them, it appeared two of the five were made after the test of the parliament writ, and three of them in order to carry on Sir Philip Floyd's election in the borough about five years since. Two of them were conveyances by one Vallor, who had a garden of about thirty rods content, and conveyed to each of his two sons a piece of it containing about ten rods, of which they made jointures to their wives, each share being worth at best two shillings per annum. Another of the five was made by a father who had a close containing two acres, and made a conveyance to his son of about a quarter of an acre, which always after lay undivided, and was constantly enjoyed by the father. Another conveyance was made by a son-in-law to his father-in-law, of a cart-house. The last was a conveyance to one Jackson of a little tenement; but it was proved that collateral security was given to re-convey, and that the grantor had repaired it. As to all five, there appeared several badges of fraud, as a continued possession in the grantors, &c. and the several confessions of the purpose and intent of making them for the elections.

The matter appearing so foul, the court began severely to censure such proceedings as evil and unlawful: Mr W. (recorder of G.) one of the defendant's council, stood up to justify these proceedings, and said it was part of the constitution of our government to do so. At which the court seemed very angry, and wondered that any one, especially a man of the gown, should say so; and said, Do you think our government has no better constitution? With which the gentleman not being satisfied, he was told by the court, he deserved to be taken notice of for saying so, and that he seemed to have advised the thing done. To conclude the evidence, the plaintiff's council delivered into court ten or twelve several conveyances that were proved, by the party that wrote them, to have been made by Mr G.'s order, to make so many votes at a former election, wherein Mr Gresham was concerned; and the election being over, they were cancelled and delivered up: concerning which Mr Gresham endeavoured to say something by way of excuse, but was told by the court, it was too bad to be excused; and it was well an act of general pardon had passed since this was done, else he should have answered it in another place. During the whole time of the trial, the same was managed with great patience and circumspection; for so soon as the cause was opened by the plaintiff's council, the court, perceiving the nature of it, commanded silence, and attention in the jury: The court declaring it was of great weight, as great as any that ever came there to be tried. And the evidence being fully given on both sides, the court by way of direction told the jury, that the plaintiff need not, as this case is, prove any express malice in the defendant; for it shall be intended when a man shall

do such an evil thing as this is contrary to his own knowledge, and declaration made upon the election and afterwards also; (for it is proved against him by one or two witnesses, that a little time before this trial he did confess Mr Onslow was duly elected, and that he had told Mr Gresham what would come of it.) And the court further told the jury, that this was a cause of moment, and deserved more than ordinary consideration; and that the making votes by such means, was a very evil and unlawful thing, and tended to the destruction of the government, and debauching of parliaments; and although some of the conveyances were made some time before his election, to serve a turn at a former choice, yet that they were fraudulent, and void in their creation, and ought not to be made use of at any time against any other person; and that it was senseless to think such practices were part of the constitution of our government, or to imagine that persons whom we intrust with our lives and fortunes ought to be made and chosen by such evil devices; and that such practices deserve to be severely punished, and directed the jury to give signal damages: whereupon the jury withdrew, and, after a short stay, gave a verdict for the plaintiff, and fifty pounds damages.

And the court, in the course of the evidence, having observed one Billinghurst to be much concerned in the proof and management of their fraudulent deeds, conceived him to be privy to much of the practice thereabouts, and commanded him to stay in court until the jury had given in their verdict; which when they had done, the court required him to find sureties to appear in the court of King's Bench, next Michaelmas term, to answer to an information touching the said misdemeanour, and in the meantime to be of the good behaviour; which accordingly he did do, and Sir William Moor, and Sir George Woodruff, whom he had served in the last election at Haselmere, were his sureties. And the court required the plaintiff, Mr Onslow, to see that an information be preferred, which he promised to do; and the court declared it was a very great offence, and should be severely punished.

The court had great reason to shew an extraordinary abhorrency of such practices, for that the mischief is grown almost general. To rectify and punish which abuses, the House of Commons in every parliament are compelled to spend near half their time. And such is the frowardness of evil-minded men, as neither to forbear the practice nor to acquiesce under the punishment, but to cry out of too much severity therein, when it bears no proportion to the offence; nor indeed can, when a man shall duly consider and weigh the great and important trust left with and reposed in every parliament-man by his choice, who is thereby intrusted with life, religion, liberty, estate, indeed all. And every one so chosen is a counsellor, as he is a member of the *commune concilium* of the nation. And although one be chosen for one particular county or borough, yet when he is returned and sits in parliament, he serveth for the whole realm; and undue and contrived choices are injurious.

I. To those that have right to elect, according to the custom of the place; and such right to chuse being a privilege accompanied with so great a trust, ought not by them be easily parted with, nor by others be injuriously invaded.

II. To the persons that are duly and fairly elected; for although it be a trust without any legal recompence but wages, and those no way proportioned to the charge or burthen of the place, yet it is attended with confidence and honour in a due discharge of it; and although a man ought not to seek it too earnestly, yet he may and ought to accept it courteously; for the deference of so great a trust supposes merit.

III. To the whole kingdom, who have an interest in every member's service; and it is odds, that he that obtains an election or return by the worst means, will use it to the worst end; for such devices are commonly the attempt of designing men, and by such courses get into our councils debauched, impudent, ambitious, needy, covetous persons.

IV. To the king, whose laws are thereby broken, and his government invaded. How many good laws have we to regulate elections, with respect to the electors, elected, time, place, and manner of election and return! So that nothing remains unprovided for by parliament, but what was thought too evil to be committed, namely, the corrupt obtaining and ill using so great a trust; a trust without particular profit to any save pensioners, if such there be; a weighty trust, which neither they that confer it, or those who receive it, can duly value without a true notion of an English parliament, whose power over both statute and common law, take in the accurate and significant words of a parliament, viz. 25. Hen. VIII. 21. "Whereas this realm, recognizing no superior under God, but the king, hath been and is free from any man's laws, but only to such as have been devised, made, and ordained within the realm for the wealth thereof, or to such other as the people of this realm have taken at their free liberty by their own consent to be used amongst them, and have bound themselves by long use and custom to the observance of the same; not the observance of the laws of any foreign prince, potentate, or prelate, but as to the accustomed and ancient laws of this realm, originally established as laws of the same by the said sufferance, consents, and custom, and none otherwise. It standeth, therefore, with natural equity and good reason, that in all and every such laws human, made within this realm, or induced into this realm by the said sufferance, consents, and custom, the king and lords spiritual and temporal, and commons representing the whole estate of the realm in the most high court of parliament, have full power and authority to dispense with those and all other human laws of the realm; and with every one of them as the quality of the persons and matter shall require. And also, the said laws and every of them, to abrogate, adnul, amplify, or diminish as it shall be seen unto the king, and the nobles and commons of the realm, present in parliament, meet and convenient for the wealth of the realm."

By this great act we clearly see it is beyond the wit and reason of any man to contradict or deny the ancient and supreme power of the parliament, as well in matters ecclesiastical as civil; a statute it is, declarative of the law of the kingdom, and that of as great force and use as ever any was, is, or can be made by the legislative power and authority of this nation. The Lord Coke also bears testimony to this truth; the power of parliaments is so transcendant and absolute for making laws in proceeding by bill, as it cannot be confined, either for causes or persons, within any bounds. Take all that shall be said hereof in the words of Sir Thomas Smyth, a man of great knowledge in the law, and in great place and esteem under Queen Elizabeth. "The most high and absolute power of the realm of England consisteth in the parliament. A parliament abrogateth old laws, maketh new; giveth order for things past, and for things hereafter to be followed; changeth rights and possessions of private men, legitimateth bastards, establisheth forms of religion, altereth weights and measures, giveth form of succession to the crown, defineth of doubtful right, whereof is no law already made; appointeth subsidies, tails, taxes, and impositions; giveth most free pardons and absolutions; restoreth in blood and name, and representeth and hath the power of the whole realm, both head and body."

But, because here is by statute law no particular provision made against such frauds and practices as appear in the foregoing case, many by sordid means have endeavoured to perplex elections and debauch parliaments, and think themselves not punishable for it. This case, and the reason of it, will better inform them, that by the rule of the common law an offence of this nature is punishable; for will any man think that small frauds, cheats, and practices should undergo a censure in the ordinary courts of justice, and not such great violations of truth and honesty in matters of the greatest moment? But I hope the proceedings against Billinghurst will convince some men of their mistakes, others of their faults.

And, to bring men to a sober consideration of their duty and danger, I shall give a few instances of what the House of Commons have done in former ages to punish and prevent evils about elections.

1. *Anno* 20 *Jacobi,* Doctor Harris, minister of Blechingly, in Surry, for misbehaving himself by preaching, and otherwise, about election of members of parliament, upon complaint was called to the bar of the House of Commons, and there as a delinquent, on his knees, had judgment to confess his fault there; and in the county, in the pulpit of his parish church, on Sunday before the sermon.
2. *Anno* 21 *Jacobi,* Ingry, under-sheriff of Cambridgeshire, for refusing the poll, upon the promise of Sir Thomas Steward to defend him therein, kneeling at the bar, received his judgment to stand committed to the serjeant at arms, and to make submission at the bar, and acknowledge his offence there; and to make a farther submission openly at the quarter sessions, and there also to acknowledge his fault.
3. *Anno* 20 *Jacobi,* the mayor of Arundel, for misbehaving himself in an election, by putting the town to a great deal of charge, not giving a due and general warning, but packing a number of electors, was sent for by warrant, and after ordered to pay all the charge; and the house appointed certain persons to adjust the charges.
4. And lastly, 3 *Car.* I. Sir William Wray and others, deputy-lieutenants of Cornwall, for assuming to themselves a power to make whom they pleased knights, and defaming those gentlemen that then stood to be chosen; sending up and down the country letters for the trained bands to appear at the day of the election, and menacing the country under the title of his majesty's pleasure: 1. Had judgment given upon them to be committed to the Tower. 2. To make a recognition of their offence at the bar of the house upon their knees; which was done. 3. To make a recognition and submission at the assizes in Cornwall, in a form drawn by a committee.

To conclude, this case being of great use is now made publick,

I. To evidence to the world the wrong done the plaintiff by the bailiff's unjust return, and by whom, and by what means procured; as also to testify his courage and generous resolution to assert his own right and the people's just liberty of choice, with his utmost care and great charge.

II. To vindicate the justice of the House of Commons, which are frequently aspersed as shewing too great affection to persons in their proceedings touching elections; whereas, by this case, it appears how just they were in bringing Mr Onslow to sit as a member, according to the strictest rules of common law, and in punishing the bailiff who so wilfully offended.

III. To direct places, having right to elect, to manage the same duly and lawfully; not only to caution them against making votes by splitting burgage-tenures by such fraudulent conveyances, where the choice is annexed to such tenure (all such conveyances as are not real, and made *bona fide* upon good consideration, being in this case held to be void by the common law.) But the reason of this case will extend to other ways of election; for, where the choice is by the body corporate, the putting out without just cause such as are incorporate, or the making other members of the corporation to serve a turn at an election, will be equally dangerous, and also ineffectual. For as those that are so put in gain hereby no right to elect, so those that are so put out lose no privilege of vote; and the officers and persons doing the same are, by the reason of this case, severely punishable.

So likewise, in case of elections by inhabitancy, the coming to live in a place for a small time upon some particular occasion, or coming to or taking a house for to serve

an election, doth not give right to vote, as was (conformable to the rules of the common law, and the reason of this case) determined by the House of Commons in the case of Windsor, touching such as came to live there in attendance on the court, although they stayed there three or six months.

In like manner, where the election ought to be by those that pay lot and scot, as they call it, whereof the poor-tax is the usual measure; if any are put out by design that have paid or ought to pay, or any by like design are put in that have not paid, or cannot or ought not to pay, the one loseth, the other getteth no vote: and the doing of it, in order to further an election thereby, is an offence at common law, and punishable. So also, where elections are by freedom of places; for as elections are to be free, in respect of terror and constraint. so are they to be candid without fraudulent practices and designs.

The Complaint of Liberty and Property against Arbitrary Government; dedicated to all true Englishmen, and Lovers of Liberty, Laws, and Religion.

Printed in the Year 1681.

This is a tory tract, the object of which is, to shew that liberty and property, which were the watch-words of the country party, were never in greater danger than when the Long Parliament, and Cromwell its successor, held the supreme sway. And the writer does not forget to enumerate the particular acts of violence, or arbitrary power, which were sanctioned by Shaftesbury while acting under the commonwealth and protectorate. On this subject, Dryden has severely arraigned that great but versatile statesman:—

"A martial hero first, with early care
Blown, like a pigmy by the winds, to war;
A beardless chief, a rebel ere a man;
So young his hatred to his prince began.
Next this,—how wildly will ambition steer!
A vermin wriggling in the usurper's ear;
Bartering his venal wit for sums of gold,
He cast himself into the saint-like mold;
Groaned, sighed, and prayed while godliness was gain,
The loudest bagpipe of the squeaking train.
But, as 'tis hard to cheat the juggler's eyes,
His open lewdness he could ne'er disguise.
There split the saint; for hypocritic zeal
Allows no sins but those it can conceal:
Whoring to scandal gives too large a scope,
Saints must not trade, but they may interlope:
The ungodly principle was all the same;
But a gross cheat betrays his partner's game.
Besides, their pace was formal, grave and slack;
His nimble wit outran a heavy pack;
Yet still he found his fortune at a stay,
Whole droves of blockheads choaking up his way;

They took, but not rewarded his advice;
Villain and wit exact a double price.
Power was his aim; but thrown from that pretence,
The wretch turn'd loyal in his own defence,
And malice reconciled him to his prince."

Upon which the editor makes the following note:—" Shaftesbury was by no means in a hurry to submit to Cromwell's domination; the uncontrouled authority of an individual, and of one too who was inaccessible to all arts of cajoling or management, and only acted upon his own opinions and impulses, presented to the art and ambition of our statesman a very unpromising field of exertion. Accordingly, he is said to have been active in opposing the dispossession of the Long Parliament; and, being a member of that convoked by the protector in 1656, he signed the famous protestation against the personal usurpation of Cromwell, which occasioned a very sudden dissolution of that assembly. But, notwithstanding this occasional opposition, he sat in all Cromwell's parliaments, was a member of his privy council, and was so far in his favour that he is said by his enemies to have nourished hopes of succeeding him in his power, with which view he became his son-in-law. Hence he is called, in 'The Dream of the Cabal,'—

A little bob-tailed lord, urchin of state,
A Praise-God-Barebone peer, whom all men hate."

THERE is no nation under heaven that enjoys a greater share of what all mankind covet than the English; nor is there any thing of which they are more jealous than the liberty of their persons and the property of their estates: and with good reason, for there is but a third, which is health to enjoy these, which renders human life as happy as this world can afford; and for this reason our ancestors have obtained all those admirable laws, which stand as a continual guard about us night and day, to protect our freedom and our estates.

There is a known fable of the dog, that coveting the shadow lost the substance; and once already we of this nation have been so stupid to turn the fable into truth. We were frighted with the shadow of the government, which we were told had a black and longer reach than did appear; and were terrified out of our wits, reason, and religion, into a most bloody and unnatural war, and at last into that very mischief which we took up unlawful arms to avoid.

To cry out against arbitrary government is of late become not only a virtue but a point of religion, and has been set up as a mark and estimate of a true protestant; but to lay the saddle upon the right horse is accounted a crime so great, that whoever attempts it is presently cried out upon for a papist. And the reason is evident, for they who make all this noise about it are the most arbitrary principled persons in the world; and if I do not make it appear so, I will be content to be esteemed the most infamous lyar under the cope of heaven: but if I speak truth, and such evident truth as is perfect matter of fact, and too notoriously known by thousands yet living to be denied; if I cannot prevent the mischiefs which may follow these wild and groundless clamours against the government, I shall however discharge my conscience to my neighbour, and my duty to God and my king, and leave a testimony against such as pretend to be religious, for speaking evil of dignities and despising dominions; which will one day rise up in judgment against them, and defeat them of the plea, That they did it ignorantly.

I would only desire the honest reader to enquire who they were that first cried out against arbitrary government, or the designs of it, in the reign of King Charles the First? It was the protestant dissenters, and principally those then called presbyterians. Let them deny it if they can or dare; for if they do, I will shew that they not only did

it, but gloried in it; and were reputed the most noble patriots, and so styled for so doing.

Who was it that animated the people to take up arms, for defence of liberty and property, against the king? The very same.

Who maintained, continued, and finished the war and the tragedy of the king's murder? The same men, though now they had gotten new frocks and vizards on, and called themselves independents or congregational church-men; a name that comprehended all sects and opinions. I love truth, and will speak it; many of the presbyterians deserted them, and declared boldly against their proceedings: but still the others went on, and called themselves the godly party, and the saints; and all the thanks the poor presbyters got for assisting them to get into power, was to be trampled upon themselves, and reviled as antichristian and apostates.

Who were they that banished his present majesty, sought that life which could not have been preserved but by a miracle? Who composed and commanded Oliver's standing army? Who commanded all the garrisons, forts, castles, and ships? Who ruled according to will, without and against law? Even the very same men, the godly party of congregational protestant dissenters.

Who are they that cry out now against the government, and talk of the great danger of arbitrary power? Search the city, examine the country, ransack the coffee-houses, frequent the clubs: if you hear any person inveigh against the government, or discourse of the fear of arbitrary designs, you may pawn your life on't you will find him in a conventicle upon a Sunday, if he pretends to any religion; or reading Hobs's Divinity, and atheistical principles, at home.

It is an old saying, He that accuses another ought to be clear himself: For shame, let the congregational-men leave clamouring about persecution and arbitrary government, of which they are so horribly guilty, and for which they have so great an account to make to God Almighty: For though the law may have forgiven them, yet without repentance, which brings no other testimony than the repetition of the same offences, for which they ought to be penitent.

And if this be a demonstration that they are the same congregational-men, and only want power, I will shew you their picture drawn by their own hand, and if they look black and ugly, persecuting and arbitrary with a superlative tincture, 'tis their own handy-work, not one stroke of mine, more than hanging the picture in its proper light, which will discover its native colours.

At the Council at Whitehall, Wednesday, December, 21, 1653.

Present,

Mr Lawrence, Lord President,
Sir Anthony Ashley-Cooper,
Mr Strickland,
Lord Viscount Lisle,
Sir Charles Woolseley,
Col. Jones,
Major-General Lambert,
Major-General Skippon,
Col. Sydenham.

That it be referred to Sir Anthony Ashley-Cooper and Col. Jones, to draw up, and present to the council, a bill for restraining and punishing of sedition and treason, and to advise therein with the council learned of the commonwealth.

Observe this treason was to aid or assist his present majesty, (then in exile) to recover his crowns; observe here is a bill without a parliament, but you shall presently see a bill passed into a formal law without either consent of lords or commons: And

was not this excellent freedom of parliament, liberty of the subject, and a fence against arbitrary government?

Saturday December 31, 1653.

Present,

His Highness the Lord Protector,

Mr Lawrence, Lord President, Col. Mountague, &c.
Sir Anthony Ashley-Cooper,

Sir Anthony Ashley-Cooper reports an ordinance for continuing the power to commissioners for compounding, &c. for advance of money, and indemnity, which was this day read the first and second time, &c.

The Ordinance was agreed.

Resolved, That this ordinance be presented to his highness the lord protector, as the advice of the council.

The lord president did accordingly present the same to his highness, and being read, the said ordinance was by his highness, with the advice and consent of the council, passed for a law, and was ordered to be printed and published.

Observe here, After all the blood and treasure spent, and the solemn oaths taken to defend the liberties and privileges of the parliament, against arbitrary power, how it is drawn into a compendium of council of state! and the free-born English governed at the will of his highness and officers! But this is not all, we want only a standing army and absolute dominion over liberty and estate to make up the complete picture of arbitrary government, and here it follows:

Tuesday, December 4, 1655.

Present,

His Highness the Lord Protector,

Lord President Lawrence, Mr Strickland,
Lord Deputy of Ireland, Col. Jones,
Sir Charles Woolseley, Lord Lambert.
Col. Sydenham,

Ordered by his highness the lord protector and the council, That it be, and hereby is, referred to the committee for the army to send into the several counties of this nation, printed copies of the order and declaration of his highness, with the advice of his council, for an assessment of sixty thousand pounds, by the month, for the next six months, commencing from the 25th of December instant, for and towards the maintaining the army of this commonwealth, and to commend the same speedily to the care of such persons in each county as they shall think fit, to distribute the same to the commissioners thereby appointed, or some of them, to the intent the matters therein contained may be put in effectual execution.

December 1, 1655.

Instructions of His Highness and Council to certain Commissioners for securing the Peace of the Commonwealth.

I.

If it appear, that any person hath actually engaged in any design, against the person of his highness the lord protector, or in any insurrection in England or Wales, since November 16, 1653, that all such persons shall be secured, by imprisonment, or banishment, and have their estates sequestered for the payment of the forces newly raised, and other public charges of the nation, allowance for wives and children, not exceeding the third part.

II.

That all persons whatsoever, that shall appear by words or actions to adhere to the interest of the late king, or of Charles Steuart his son, and to be dangerous enemies to the peace of the commonwealth, to be secured by imprisonment, or sent beyond the seas.

III.

That an extraordinary tax be levied upon the estates of every person whose estate hath been sequestered for delinquency in England and Wales, or who hath been in actual arms for the king against the parliament, every one that hath an estate of 100l. per annum, and so proportionably for all greater estates: And whosoever hath a real and personal estate to the value of 1500l. or more, the real estate of every such person shall be assessed at 10l. or at the rate of 100l. per annum, to be paid half yearly; the said payment to be made December 21, next ensuing: And the payment to be made to such persons as the commissioners shall appoint; and if any will refuse to make payment, then the real estates of such persons shall be sequestered by the commissioners for the use of the commonwealth, which sequestration shall continue until such persons shall have paid in their tax, and given sufficient security for the payment of all such sums of money as his real estate shall be assessed and taxed at as aforesaid; and the same rule to be observed for all personal estates of those that stand in contempt. Nevertheless, if any of the persons, whose estates are so charged as aforesaid, shall be desirous to free their whole estates from the tax, and if such persons do set over by sufficient assurances in law, convey and assure to the protector, and his successors, for the use of the commonwealth, land free from incumbrances of the yearly value imposed on them, they shall then be free.

IV.

That all the said party who are persons of no estates, and live loosely without labour, be apprehended, and sent to foreign parts.

V.

That if any persons should be sent out of the commonwealth, and shall return without license, that their estates shall be sequestered to the public use.

VI.

That any three of the commissioners shall be impowered to administer oaths, send for persons, papers, and records, as also to imprison any person for contempt of their order; for which the commissioners shall be saved harmless and indemnified.

Instructions for Commissioners of each County.

I.

You are to find out all persons comprized under the first head, and to cause them to be forthwith secured within your county, and you are also by good ways and means to discover and find out what estates, real or personal, such persons, or any other intrusted for them, or to their use and benefit, have had at, or on the first day of September, 1653, and to secure and sequester the same for the use of the commonwealth; and to certify their names, together with the account of your proceedings, to his highness.

II.

You are to use your utmost endeavours, to find out the persons comprized under the second head, and to secure them.

III.

You are forthwith to inform yourselves of the names and places of abode of all such persons as are comprized under the third head, and their estates, and who are intrusted for them; and as soon as you know their estates, to proceed accordingly, and tax the same.

Observe here, dear countrymen, imprisonment, fine, and banishment commanded, and practised with the highest arbitrary power, and to maintain a standing army.

Observe, it was by clamouring against arbitrary government, that deluded the people to rebel, and assist them with power, which when they had got, you see how the congregational people used it.

Observe, who are they that now make the out-cry against arbitrary government, Andrew Marvel, Oliver's Latin secretary, leads the van, in a libel, which wore that name, and I need not tell you who they are that prosecute the out-cry.[1]

If after all this you cannot by comparing their past actions with their present, see the snare they are laying for your liberty and property, you are not so wise as the fowls of the air, or the beasts of the field; for Solomon tells you, "In vain is the snare laid in the sight of any bird." I have done my duty, I have told you the truth, I have forewarned you of the danger. If you suffer yourselves to be imposed upon, you can blame only your own folly and credulity.

I have but one thing to add, and that is, if you think, and find I have told you a plain truth, and pointed to you where the real danger of arbitrary government lodges, that you would be as valiant for the truth, as some ill people are against it; that you would, upon all occasions, shew yourselves good subjects, by vindicating his majesty and the government from the scandalous imputations, with which virulent and seditious tongues blaspheme the footsteps of God's anointed; that you would inform the ignorant, confront the impudent, satisfy the doubtful and staggering, and unite the loyal, which will be no more than your own duty, interest, safety, liberty, and property calls for at your hands; and for the congregational declaimers against arbitrary government, let them remember Adonibezek's toes and thumbs, and the gracious act of oblivion, and know that in heaven's high court of judicature, forbearance is no part of payment. Let them repent of their former arbitrary and tyrannical usurpation, or else I fear, and justly too, they will pull down swift destruction upon themselves, while they are preparing a pit for others.

[1] The author alludes to Marvell's celebrated "Account of the Growth of Popery and Arbitrary Government in England, 1677." Marvell was assistant to Milton when Latin secretary to Cromwell.

A Letter to a Noble Peer of the Realm, about his late Speech and Petition to his Majesty.

Charles II. offended by the zeal of the city of London, regarding the exclusion bill and other political measures, resolved, that the parliament, which he convoked for the 21st March, 1681, should be summoned to meet at Oxford, as being the head quarters of monarchical and high-church principles. This precaution did not fail to alarm the opposite party. "They were desirous that the parliament should sit at Westminster, where they were sure of the assistance of the Londoners in case of need. And who knows whether some did not propose to use, for passing the exclusion bill in the House of Lords, the same means formerly used to extort from the peers their consent to the bill of attainder against the Earl of Strafford? Be this as it will, they resolved to use their utmost endeavours to have the place altered, and the parliament removed to Westminster. For this purpose the Earl of Essex, attended by fifteen lords, delivered a petition to the king, introducing it by the following speech."—RAPIN's *History, II.* 720.

May it please your Majesty,

"The lords here present, together with diverse other peers of the realm, taking notice, that by your late proclamation your majesty hath declared an intention of calling a parliament at Oxford, and observing from histories and records, how unfortunate many such assemblies have been, when called at a place remote from the capital city; as particularly the congress in Henry the Second's time at Clarendon; three several parliaments at Oxford, in Henry the Third's time; and at Coventry in Henry the Sixth's time, with diverse others, which have proved very fatal to those kings, and have been followed with great mischief to the whole kingdom. And, considering the present posture of affairs, the many jealousies and discontents which are among the people, we have great cause to apprehend, that the consequences of the sitting of a parliament now at Oxford, may be as fatal to your majesty and the nation, as those others mentioned have been to the then reigning kings; and therefore we do conceive that we cannot answer it to God, to your majesty, or to the people, if we, being peers of the realm, should not, on so important an occasion, humbly offer our advice to your majesty; that, if possible, your majesty may be prevailed with to alter this (as we apprehend) unseasonable resolution. The grounds and reasons of our opinion are contained in this our petition, which we humbly present to your majesty.

To the King's most excellent Majesty,

The humble Petition and Advice of the Lords undernamed, Peers of the Realm;

Humbly sheweth,

That whereas your majesty hath been pleased, by diverse speeches and messages to your houses of parliament, rightly to present to them the dangers that threaten your majesty's person, and the whole kingdom, from the mischievous and wicked plots of the papists, and the sudden growth of a foreign power; unto which no stop or remedy could be provided, unless it were by parliament, and an union of your majesty's protestant subjects, in one mind and one interest:

And the lord chancellor, in pursuance of your majesty's commands, having more at large demonstrated the said dangers to be as great as we, in the midst of our fears, could imagine them, and so pressing, that our liberties, religion, lives, and the whole kingdom, would certainly be lost, if a speedy provision was not made against them:

And your majesty, on the 21st of April, 1679, having called unto your council many honourable and worthy persons, and declared to them, and to the whole kingdom, that, being sensible of

the evil effects of a single ministry, or private advice, or foreign committee, for the general direction of your affairs, your majesty would for the future refer all things unto that council, and by the constant advice of them, together with the frequent use of your great council the parliament, your majesty was hereafter resolved to govern the kingdom, we began to hope we should see an end of our miseries.

But, to our unspeakable grief and sorrow, we soon found our expectations frustrated; the parliament then subsisting was prorogued and dissolved, before it could perfect what was intended for our relief and security: and though another was thereupon called, yet by many prorogations it was put off till the 21st of October past; and notwithstanding your majesty was then again pleased to acknowledge, that neither your person, nor your kingdom, could be safe till the matter of the plot was gone through, it was unexpectedly prorogued on the 10th of this month, before any sufficient order could be taken therein; all their just and pious endeavours to save the nation were overthrown, the good bills they had been industriously preparing to unite your majesty's protestant subjects brought to nought; the discovery of the Irish plots stifled; the witnesses that came in frequently more fully to declare that both of England and Ireland discouraged; those foreign kingdoms and states, who, by a happy conjunction with us, might give a check to the French powers, disheartned even to such a despair of their own security against the growing greatness of that monarch, as, we fear, may induce them to take new resolutions, and perhaps such as may be fatal to us: the strength and courage of our enemies, both at home and abroad, increased, and ourselves left in the utmost danger of seeing our country brought into utter desolation.

In these extremities we had nothing under God to comfort us, but the hopes that your majesty (being touched with the groans of your perishing people) would have suffered your parliament to meet at the day unto which it was prorogued, and that no further interruption should have been given to their proceedings, in order to their saving of the nation: but that failed us too: for then we heard that your majesty had been prevailed with to dissolve it, and to call another to meet at Oxford, where neither lords nor commons can be in safety, but will be daily exposed to the swords of the papists, and their adherents, of whom too many are crept into your majesty's guards; the liberty of speaking according to their consciences will thereby be destroyed, and the validity of all their acts and proceedings (consisting in it) left disputable: the straitness of the place no way admits of such concourse of persons as now follows every parliament: the witnesses which are necessary to give evidence against the popish lords, such judges or others, whom the commons have impeached, or had resolved to impeach, can neither bear the charge of going thither, nor trust themselves under the protection of a parliament, that is itself evidently under the power of guards and soldiers.

The premises considered, we, your majesty's petitioners, out of a just abhorrence of such a dangerous and pernicious council, (which the authors have not dared to avow) and the direful apprehensions of the calamities and miseries that may ensue thereupon, do make it our most humble prayer and advice, that the parliament may not sit at a place where it will not be able to act with that freedom which is necessary; and especially to give unto their acts and proceedings that authority which they ought to have amongst the people, and have ever had, unless impaired by some awe upon them (of which there wants not precedents;) and that your majesty would be graciously pleased to order it to sit at Westminster (it being the usual place) and where they may consult with safety and freedom.

And your petitioners, &c.

Monmouth,	Shaftsbury,
Kent,	Mordaunt,
Huntington,	Ewers,
Bedford,	Paget,
Salisbury,	Grey,
Clare,	Herbert,
Stamford,	Howard,
Essex,	Delemere."

To this petition or letter, as to the previous address, the king turned a deaf ear. And some tory partizan has here stated arguments for his persisting in his resolution to convoke the parliament at Oxford.

My Lord,

THOUGH the great esteem I have always had as well for your lordship's parts and prudence, as your father's loyalty, inclines me to make a favourable construction of your words and actions, yet the late speech and petition published under your name, are of so strange a nature, and so ill an aspect in our present circumstances, that I cannot but acquaint you with my thoughts upon that unseasonable subject; where (did I not see my sovereign so nearly concerned) that many do construe this to be, not so much petitioning, as threatening his sacred majesty, I would have passed it over, and buried my resentments in oblivion.

I am sorry, my lord, you begin with so weak an observation from histories and records, as that many parliaments have been unfortunate when called at places remote from the capital city. Did you ever observe, how unfortunate many parliaments have been when called in this capital city; or how many have been fortunate when elsewhere convened? Do not all writers of the late rebellion observe it as a great oversight in his late majesty not to have called his Long Parliament to York, or some other place remote from the city of London, where so many factious cabals were held, and so many pernicious consequences hammered, together with the rabble's tumultuous running to Westminster-hall, and the common-council's petitioning, or rather advising the king (mechanics turning politicians, and leaving their shops and trade, to sit at the helm of government) that all wise men conclude, thence came the plague of war and desolation upon the whole kingdom?

But your observation is not so weak as your precedents are emphatical and mysterious: you instance three unhappy kings; and, without the least ground in history, you seem to suppose the places of calling their parliaments the cause of their miscarriage; I am sure you know the contrary is manifest by our most authentic monuments and records: to popular fears and jealousies, fomented by ambitious and discontented grandees, these, as well as other princes in general, owed almost all their troubles, as now we do, in a great proportion.

To these Henry II. (by you mentioned) owed the unnatural broils and distractions of his kingdom; when they, together with Lewis King of France, incited the son to rebel against the father; in which they were thus far more excusable than others, that the son was no bastard, but the undoubted heir of the crown, and a titular king. These were, in a great measure, the chief causes of all the mischiefs and miseries of Henry the Third's reign; when, under the colour of redressing the people's grievances, they brought upon the nation the greatest grievance of all, an intestine civil war for many years together: and though they loudly pretended to fight for the liberty of the subject, yet themselves were no better than so many tyrants, as ancient and modern authors testify.—BAKER, p. 86.

And for Henry VI., his fate was the consequence of his grandfather's usurpation; for *de male quæsitis vix gaudet tertius heres.*

The people at last, weary of their change, began to open their eyes, and think it better to submit to their lawful prince than to a violent usurper. Nevertheless, this revolution could not be effected without a great deal of difficulty; and had not a gap been opened by the ambition of wicked statesmen, who, to have the sole management of affairs to themselves, contrived the death of the king's brother and only support, the good Duke of Gloster; as now some conspire against his royal highness, the better to enable themselves to dispose of the king as they please.

Thus for your speech; but your petition runs a little further.

In the first place, you aggravate the dangers of popery, of which all true protestants are sufficiently apprehensive; yet, withal, my lord, we are too sensible papists are not our only enemies: we have whole swarms of republicans and others, influenced, and often misled by those that hate the name, but (as to themselves) love the practice of

arbitrary power; that pretend to stand for the church of England, but really advance presbytery: in fine, that would fain persuade us they love the king, though, by their actions, any man of sense may perceive how little they care for his government.

You are troubled, it seems, that the next parliament is to meet at Oxford, "Where," you say, "neither lords nor commons can be in safety, but will be daily exposed to the swords of the papists and their adherents; of whom too many have crept into his majesty's guards." Do you know, my lord, any such papists now in the guards? If you do, it is all our duty to our king and country to have them secured; if not, it is a groundless surmise, and a frivolous pretence unfit to be mentioned by persons of honour. Certain it is, we have more reason to believe our noble petitioners inclining to dissention than his majesty's guards inclined to popery; for the latter do openly protest against all papists; the former do zealously solicit for the fanatics; endeavouring to unite them to the church of England, not by their coming to us, but ours to them; we losing our ground, and they still keeping their own. Besides, we know the latter have often taken the tests and oaths against the innovations of popery; but I could never find that the former took any against the novelties of schism.

If his majesty thinks himself secure at Oxford, and doubts not to commit his sacred person to his guards, what reason have you to apprehend any danger? Sure, it is his majesty's death, not yours, the papists have hitherto designed: How then can you be so apprehensive while he is secure?

As for the king's evidence, I doubt not but they will cheerfully endure a little inconvenience to make an end of this execrable plot. It is an advantage most of them have, to endure the greatest hardship; which now, I am confident, they will not decline, to consummate the great work they have so well begun.

My lord, I wish as heartily as any one in England the frequent meetings of parliament, and the good correspondence of king and people; I am, perhaps, as much concerned as another to have the liberty of the subject preserved inviolable: yet, when I see those that should be preservers of this liberty first invade it, and endeavour to monopolise arbitrary power to themselves, I think self-preservation allows me to oppose them. It is a true saying, *Corruptio optimi pessima;* and experience tells us, that parliaments may err as well as kings.

I will conclude with a short reflection on some transactions preceding the Long Parliament, in the late king's reign; where it is observable, that his majesty, finding his parliaments still retrograde, and bent rather to foment than compose the differences of the kingdom, in September 40, he summoned the great council of his peers to consult about the weighty affairs of the nation: "But this," saith a late historian, "was not very well liked by those who favoured the Scots; whose chief design aimed at the calling of a parliament, which they feared the meeting of the peers might prevent. Wherefore the Earls of Bedford, Hertford, Essex, Warwick, Mulgrave, Bollingbroke, and Bristol; the Lords Say, Brook, Paget, Mandevile, and the Lord Edward Howard, presented a petition to the king, representing many great distempers and dangers threatening the church and state, and his royal person: as sundry innovations in matters of religion; increase of popery, by employing papists in places of trust; the great mischief that might ensue if the forces raised in Ireland should be brought into England, &c. For remedy whereof, they pray, that a parliament might be summoned, to redress these grievances, and punish the authors; and likewise to compose the war with Scotland without blood, and unite both kingdoms against the common enemy of the reformed religion."

And this was seconded by another petition of the common-council of London, to the same effect.—*See* BAKER, p. 470.

These, my lord, were as fair pretences, and as plausible inducements to have a parliament then called as any can offer at present; and yet the world knows what perni-

cious designs were then hatching against the king and government, by those very persons that promoted that petition; and happy were his majesty had he rejected their importunity. "To every thing there is a season," saith the wise man; and without doubt there is a season for petitioning. It is certainly our duty, with all humility, to beg of our sovereign what we think necessary or convenient for the public good; yet to press him to it when he declares against it for good reason, (as we ought to suppose) is a very great presumption, not to be endured in a subject. If the laws have settled in the king the absolute power of calling, adjourning, proroguing, and dissolving his parliament when and where he pleases, shall we be wiser than the laws, and limit our prince's will?

Besides, when discontented statesmen are found the promoters of such petitions, it is natural to suspect that they do it for some sinister design; *timeo Danaos et dona ferentes.* If the great politician Achitophel hanged himself through discontent, because his council was not followed, we cannot in prudence but think others will leave no stone unremoved to satisfy their passion. There are some weathercocks in the world who had a hand in all the revolutions of their time, *modo harum, modo illarum partium,* but were never faithful to any: if your lordship be so far overseen as to join with these, they will undoubtedly leave you in the lurch, when it is too late to repent. Therefore, in time, consider the wise man's advice, "My son, fear thou the Lord and the king, and meddle not with them that are given to change; for their calamity shall rise suddenly, and who knoweth the ruin of them both?" PROV. xxiv. 21.

I am your lordship's real well-wisher,
And humble servant,
L. S.

A Speech without Doors, made by a Plebeian to his Noble Friends.

" According to the date annexed to this speech, it was made in the year 1681; but if it was then for the first time published, it was out of all question made at some other crisis. For how could it be said, that his majesty's expence was (unusually) vast, at the meeting of the Oxford parliament? Or that any enemy threatened to thunder against the kingdom? Or that the kingdom had then been often alarmed with such pretences? And, above all, that liberty of speech, in parliament, was either fallen into disuse, or become in the least dangerous to him who used it most? But then, whatever crisis it was calculated for, the topics are so constitutional, that they will be ever worth the attention of Englishmen as long as the English constitution has a being."—*First Edition of* SOMERS' *Tracts.*

PARLIAMENTS have been wont to take up some space, at their first meetings, to settle the house, and to determine of unlawful elections; and in this point they never had greater cause to be circumspect than at this time: for, by an abuse lately crept in, there is introduced a custom, which, if it be not seen and prevented, will be a great derogation of the honour, and a weakening of the power of your house; for whereas the law giveth a freedom to corporations to elect burgesses, and forbiddeth any indirect course to be taken in their elections, many of the corporations are so base-minded and timor-

ous, that they will not hazard the indignation of a lord-lieutenant's letter; who underhand sticks not to threaten them, if he hath not the election of the burgesses, and not they themselves.

And commonly those that the lords recommend are such as desire it for protection; and are so ignorant of the place they serve for, as that, there being occasion to speak of the corporation for which they are chosen, they have asked their neighbours sitting by, whether it were a sea or a land town?

The next thing that is required is liberty of speech; without which parliaments have little force or power. Speech begets doubts, and resolves them; and doubts in speeches beget understanding. He that doubts much asketh often, and learns much; and he that fears the worst soonest prevents all mischief.

This privilege of speech was anciently granted to be the privilege of the parliament, by the testimony of Philip Comines, a stranger; who prefers our parliaments, and the freedom of the subject in them, above all other assemblies; but this freedom has been much broken and diminished, if not negligently lost, since the days of Comines.

If freedom of speech should be prohibited, when men with modesty make repetition of the grievances and enormities of the kingdom; when men shall desire reformation of the wrongs and injuries committed, and have no relation of evil thoughts to his majesty, but with open heart and zeal express their dutiful and reverend respect to him and his service; I say, if this kind of liberty of speech be not allowed in time of parliaments, they will extend no farther than quarter sessions; and their meetings and assemblies will be unnecessary, for all means of disorder new crept in, and all remedies and redresses will be quite taken away.

As it is no manners to contest with the king, in his election of his counsellors and servants; (for kings obey no men, but their laws;) so were it a great negligence, and partly treason, for a subject not to be free in speech against the abuses, wrongs, and offences that may be occasioned by persons in authority. What remedy can be expected from a prince to a subject, if the enormities in his kingdom be concealed from him? Or what king so religious, and just in his own nature, that may not hazard the loss of the hearts of his subjects without this liberty of speech in parliament? For great is the misfortune of most princes, and great is the unhappiness of subjects, when kings' affections are so settled, and their loves so far transported to promote servants, as they only trust and credit what they shall inform.

In this case, what subject dares complain? Or what subject dares contradict the words or actions of such a servant, if it be not warranted by freedom of a parliament; they speaking with humility? For nothing obtaineth favour with a king so much as a humble remonstrance.

The surest and safest way, betwixt the king and his people, which hath least scandal of partiality, is with indifference, integrity, and sincerity, to examine the grievances of the kingdom, without touching the person of any man, farther than the cause giveth the occasion: for otherwise you shall contest with him that hath the princes ears open to hearken to his enchanting tongue; he informs secretly, when you shall not be admitted to make excuses; he will cast your deserved malice against him, to your contempt against the king; and so will make the prince the shield of his revenge.

These are the sinister practices of such servants to deceive their sovereigns; but when our grievances shall be authentically proved, and made manifest to the world by your pains to examine, and freedom to speak, no prince can be so affectionate to a servant, or such an enemy to himself, as not to admit of this indifferent proceeding. If his services be allowable and good, they will appear with glory; if bad, your labour shall deserve thanks both of prince and country.

When justice shall thus shine, people will be animated to serve their king with integrity; for they are naturally inclined to imitate princes in good or bad.

The words of Cicero will then appear, that "Malicious and evil men make princes poor; and one perfect good man is able to make a realm rich."

There is no remedy left for mis-reports, but a freedom of speech in parliament; for there is no wise man that speaks, but knows what and when to speak, and how to hold his peace. Whilst subjects tongues are tyed, for fear they may reach him a rap whose conscience cries guilty, the king and his people are kept from understanding one another; the enemy is heartened abroad, and the malignant humour of discontentment nourished at home; and all for one, who is like a dragon, that bites the ear of the elephant because he knows the elephant cannot reach him with his trunk; and princes are abused by false reports whispered in their ears by sycophants and flatterers.

Diogenes being asked, what beast bit sorest? Answered, Of wild beasts, the backbiter; of tame, the flatterer.

Now to descend to grievances, which are of two kinds; some concerning the kingdom in general, some in particular, which have relation to the general.

Grievances in general are so many in number as will serve for every member of the house to present two a-piece to your views: and I will presume so far to rank myself with you, as to tender the number of two unto your consideration.

My first complaint is of titles of honour; and in two kinds.

First, in respect of the parties themselves, their estates and parentage.

Secondly, in respect of their manner of their attaining thereunto, which is mercenary, base, and corrupt, which in reason should not hold; for, by law, the consideration is unlawful.

Trajan commended Plutarch for his precept in school, when he taught, that men should labour to deserve honour, but avoid the getting of it basely. For if it were reputation to have it by desert, it were infamy to buy it for money. In that age, where rich men were honoured, good men were despised.

Honour is not to be valued according to the vulgar opinion of men, but prized and esteemed as the sir-name of virtue, ingendered in the mind; and such honour no king can give, or money can purchase. He that will strive to be more honourable than others, must abandon passion, pride, and arrogancy; so that his virtue may shine above others. For honour consists not in the title of a lord, but in the opinion people have of their virtue; for it is much more honour to deserve and not to have, than to have and not deserve it.

There is one of three things that commonly causeth man's advancement, desert, favour, and power.

The first makes a man worthy of it, the other two are but abuses; for favour is but a blind fortune, an ounce of which, at court, is better than a pound of wisdom. Fortune never favoureth, but flattereth; she never promiseth, but in the end she deceiveth; she never raiseth, but she casteth down again: and this advancement is meeter to be called luck than merit.

That honour that is compassed by power takes unto itself liberty, and desires not to be governed by wisdom, but force. It knows not what it desireth, nor hath a feeling of any injury: it is neither moved with sweet words nor pitiful tears; such men leave not to do evil, because they have a desire to it, but when their power faileth to do it.

The true honour among the honourable, is, where fortune casts down where there is no fault; but it is infamy where fortune raiseth where there is no merit.

Examine the state and condition of men raised to honour these twenty years past, and whether it be desert, favour, or power that hath preferred them.

Enter into the mischief the kingdom hath suffered, and doth suffer by it, and the cause of his majesty's great wants will soon appear, if you recollect with yourselves how many hungry courtiers have been raised to the highest top of honour.

After this examine their princely expence in these twenty years, their estates in present, and what is requisite to maintain them in their future degrees of honour to themselves and their posterity, and you shall find his majesty's annual revenues consumed and spent upon those unworthy persons. Besides the impairing and impoverishing the state, it brings with it the contempt of greatness and authority, it breeds an inward malice in gentlemen better deserving of their country, and better able to maintain the degree of honour without charge to king or kingdom, and whose houses and alliances may better challenge it than the best of them.

The character of a covetous man is, that he getteth his goods with care, and envy of his neighbours; with sorrow to his enemies, with travail to his body, with grief to his spirit, with scruple to his conscience, with danger to his soul, with suit to his children, and curse to his heirs. His desire is to live poor, and to die rich; but as these vices are made virtues, even so is he honoured for them with titles of nobility.

When Philip the Second, King of Spain, entered with arms upon his kingdom of Portugal, and though with his sword he might have made fighting laws, yet were there some privileges which the Portugals besought they might enjoy, one whereof was, That the king would make no unworthy person noble, or without their approbation, which was granted them: and to this day they hold their freedom, which keeps that kingdom in the ancient state, honour, and dignity; that is to say, two dukes, one marquis, and eighteen earls. And thus much for the point of honour.

The second grievance I will recommend to your view is, the carriage of our wars; the excessive charges vainly spent therein, the unworthiness of the people employed, the grave and experienced neglected, the designs not warranted by reason and direction, and the executions worse performed; with many other circumstances that depend upon it.

I must crave leave to declare the property and condition of impostors, and deceivers of princes.

Abusers of princes are they that persuade them to war, to become poor when they may live in peace, and become rich; when they may be loved, cause them to be hated; when they may enjoy their lives surely, put them in hazard of cross fortune rashly; and, lastly, having necessity to use their subjects, put them into that necessity as they refuse to do for him. All this is the pride of the persuader, as Socrates saith.

The first lessening of the greatness of the Roman empire, was by the insolence of soldiers; and the first raising of the Ottoman house was by permission and conniving at his army.

England, with small charge, can raise what men his majesty pleaseth to command, and that suddenly, and discharge them again without trouble or charge as quickly; England wants not good and able men, if his majesty had occasion to use them. The wise men of England would have thought two or three hundred thousand pounds better spared than thus wastefully consumed, and disorders committed; we may compute it to that sum, and yet keep ourselves within compass. And notwithstanding, the want of money, and the way to exact it on the subject, is all the song now sung. He that sees and complains of the evil managing of things is either imprisoned, banished the court, or censured for a discontent.

There is no Englishman but knoweth the heart of every other true Englishman, and with one consent we all obey our prince; to his person we owe all due reverence; and we may truly say, no king is more happy in subjects for their love, nor no subjects readier to serve their king with their purses and persons; nor never people were better blest with a king.

False informers, and misguiders of good kings, are much more perilous than if prin-

ces themselves were evil; for commonly, as worms breed soonest in soft and sweet wood, so are the best natures, inclined to honour and justice, soonest abused by false flatterers.

The evil they commit under the authority of good princes is accounted as done by the prince himself; but, commonly, such people in the end pay for it; for he that desires not to do good cannot be wise, but will fall into a thousand follies.

One of the first propositions made to the house, will be for money to support his majesty's vast expence, at this time, that the enemy threatens thunder against the kingdom. Your often alarms, upon such pretences, may make you now too secure; for true it is, that, in the last parliament, books were published of invincible preparations intended against us, and nothing came of it. But beware that you do not be deceived by an old saying, That when one usually tells lyes, he is not trusted when he speaks truth; for certainly the danger is more, [*Here some words are wanting to compleat the sense*] than by the power and greatness of another enemy.

In this case you must give for your own sakes, that so you may be sure to enjoy what is yours; for your sovereign's sake, to maintain his greatness and state; and for your country's sake, to keep it from oppression of the enemy; but withal, you ought to lay down the condition of the kingdom, and to shew that your necessity cannot run parallel with your hearts and your desires; that your minds will be carried with a willingness to give, but your hands will keep back your hearts for want of ability to give.

Themistocles, demanding tribute of the Athenians, told them he brought two gods with him, that is to say, Persuasion and Violence. They answered, that they had two gods in their country as great and powerful, which were Poverty and Impossibility, which hindered them from giving.

We may truly say, that God hath so placed and seated this isle of England, that nothing but evil counsel can hurt it. But true it is, advice that is not warranted from wise men may prove more forcible and perilous than the power of an enemy.

The scripture telleth us, that "The thought perisheth that taketh not counsel."

A king of the Lacedemonians asked how a kingdom might ever stand, and was answered two ways: If a king take counsel of wise honest men, and they speak freely, and do justice uprightly.

There was never censor that judged, senator that ordered, emperor that commanded, counsel that executed, orator that persuaded, nor any other mortal man, but sometimes he committed errors, and deserved either blame or punishment for his misdoings; and, if he were wise, desired advice what to do.

St Gregory saith, "No man can give so faithful counsel as he who loves a prince more than his gifts." Then who are or can be so true counsellors to our noble king as the house of commons, that hath no relation to a king's gift, but only to his honour, flourishing estate, and safety?

This is the time to amend evil councils past, and to let evil counsellors see their errors.

This is the time for all men to put to their helps, some with their hands to fight, others with their advice to counsel. And for my advice it is this:

That you present to his majesty, in all humbleness, your willing mind and hearts, to repair and fit to sea his majesty's navy; yourselves to have power to make them able and serviceable, with the advice of experienced men that you may call unto you. This is a matter of great importance at this present for the safety of the king, realm, and subject; for the strength of the kingdom much depends upon this bulwark, which we may well term the Walls of England.

His majesty will find himself much eased by it, businesses shall be carried without his trouble or care, money shall not be sought for to that end, but provided by you; his majesty may dispose of the rest of his revenue at his pleasure.

By your frugality and husbandry, his majesty shall have occasion to judge of things past, of yours in present, and hereafter it will serve for a precedent to walk after; it will stop the mouths of malignant tongues, that inform his majesty of the unwillingness of the subject to give; and it will make it apparent that their true grief is not in the matter of giving, but to see the evil employing of it when it is given.

If any man shall pervert this good meaning and motion of yours, and inform his majesty, It is a derogation from his honour to yield to his subjects upon conditions, his majesty shall have good cause to prove such men's eyes malicious and unthankful, and thereby to disprove them in all their other actions: for what can it lessen the reputation of a prince, whom the subject only and wholly obeyeth, that a parliament, which his majesty doth acknowledge to be his highest council, should advise him, and he follow the advice of such at council? What dishonour rather were it to be advised and ruled by one counsellor alone, against whom there is just exception taken of the whole commonwealth?

Marcus Portio saith, that "That commonwealth is everlasting, where the prince seeks to get obedience and love, and the subjects to gain the affection of the prince; and that kingdom is unhappy, where their prince is served out of ends and hope of reward, and hath no other assurance of them but their own service."

A Letter from a Person of Quality in Scotland to a Person of Honour in London, concerning his Royal Highness James, Duke of York.

"By whom this letter was writ, or to whom it was addressed, is equally unknown; but by some circumstances in it, namely, the confession, that the former was once an excluder, and the artful suggestion, that he intended to have writ at the beginning of the parliament at Oxford, and before they might meddle with the bill of seclusion, it is to be suspected that, whoever he was, he was induced to change his opinion, because the times were changed. As the [1] sudden dissolution, on the eighth day of their sitting, when the exclusion bill had been just brought in, was a thunderclap to the malecontents; so the king's declaration against all their late proceedings seemed to denote a storm at hand, and with the very first blast the lightest leaves were sure to fly off. It was, besides, become the fashion for all the creatures of the court to make appeals to the people, on behalf of the king and his brother, against the violence of their own representatives; and Bishop Burnet acknowledges, that the spirit of the excluders was now so spent, that the answer [2] they set forth to the king's declaration, though the joint labours of Algernoon Sydney, Sir William Jones, and Mr Somers, had no great effect."

Thus far the original editor of this collection, to whose observations it may be added, that doubtless many circumstances drew the Scots to the faction and favour of the duke. They saw the halls

[1] What Bishop Burnet says, "That the king came to the house not very decently, in a sedan, the crown being carried between his feet," is flatly contradicted by a writer of the opposite party, who affirms, "That the regalia was carried by the King's servants and guards to the room where his majesty robed himself before he went to the House of Lords."—See a tract called *Cassandra*, 4to. 1704. And Mr North, treating of the same incident, uses these words: "The king came to the House of Lords, as he was wont, in a chair, and another chair followed, with the curtains drawn; but instead of a lord, as was thought to be in it, there was only the king's robes. Thus they went and sat down in a withdrawing-room."

[2] Which is to be found both in Baldwin's Collection, and also in the Proceedings of Parliament.

of their ancient palace again graced with the appearance of royalty, and occupied by a descendant of their long line of kings. The formal, grave, and stately deportment of James, was more suitable to the manners of a proud, reserved, and somewhat pedantic people, than the lighter manners of Charles. The proud, as well as the ingenuous, know and feel the value of favours conferred by those who resemble them. York applied himself particularly to secure the personal attachment of the Highland chiefs, and to staunch the feuds by which the clans were divided. He, no doubt, reckoned upon the assistance of these ready warriors, in case the sword had been drawn in England; but he little foresaw that the last hopes of his family were to depend on the generous attachment of the descendants of the chieftains whom he then cultivated, and that his race were to involve in their fall the ruin of the patriarchal and feudal power of these faithful adherents. But if the conduct of James in these particulars was laudable, on the other hand, by introducing an inconsistent and absurd test into the law, by making it the means of ruining a loyal and innocent nobleman, the Earl of Argyle, by satiating his own eyes by the tortures inflicted on the covenanters,—he gave tokens of that ill-judged and bigotted severity which was the cause of his being precipitated from the throne.

SIR,

THE acquaintance that I contracted with you, when I was last in England with Duke Hamilton, and the several discourses that, with so much freedom, we had together concerning the state of affairs then in agitation, makes me thus familiarly renew that friendship which grew then between us; whereby you will see how much I am altered from myself since that time. You cannot have forgot, I am sure, in what opposition I then stood against the Duke of York's succeeding to the crown; and that so firmly, that all you could say, though backed with strong arguments and reasons, could not any ways shake me; and therefore you may now justly wonder how it should come about, that I should now write to you in his behalf. I intended this letter at the beginning of the parliament at Oxford, and thought it might arrive to you time enough before they might meddle with the bill of seclusion, if they should endeavour it at all, knowing the aversion of his majesty from putting by his brother from his hereditary right. And though, to our wonder, the parliament was dissolved before we could think it was well begun, and before I could write what I intended, yet, since the duke has many enemies in England, I have, in letting you see my thoughts as to his right of succession, shewed you that his virtues have begotten here, even in this cold and bigotted country, some friends.

But before I enter upon my reasons, that any man who shall endeavour to put by the Duke of York from his hereditary right, violates the laws of the land, scandalizes his religion, and does unjustice to his prince, I shall acquaint you how I came to be thus interested for the duke, who was so much once against him. And, first, I declare to you, lest you should suspect that it might be the change of my religion that should have made this change in my politic opinion, that I am still, and ever shall be, of the same religion I was born and bred in, that is, a protestant; and that I have as much aversion for the religion of the duke as I have a love and affection for his person. But the greatest motive that begot in me a veneration for the duke, and so consequently for his just interest, is the personal knowledge of his very many excellencies and virtues, which has raised in me, not only an ordinary esteem, but has made me justly think him to be in himself no ordinary man, but one worthy of the greatest crown in Europe. Before I knew him but at a distance; and though I had often seen him, and been in his presence, yet I had received his character at second hand, and found him sometimes represented one thing, and sometimes another, according to the several opinions and interests of persons; so as my knowledge of this great man was very much disguised, and in the dark, till his residing here among us gave me, and many others, a clear prospect both of his person, actions, and virtues. I shall not go about to characterise

him to you, who so well know him, and who so often, from those many shining and excellent virtues in him, has raised up arguments to bring me from the opinion I had entertained against him. But you see that he himself, by his actions and converse, in a little time, has been able to do more than all the words and arguments in the world could do.

Having thus shewed you upon what account I am become the duke's friend, you cannot now think it strange, that, as an effect of that reverence and esteem I have received from so worthy a person, I should write to you in his behalf: and though the parliament be dissolved, and that we fear not from thence the prejudice many did expect, yet I shall tell you, in few words, my mind; that I think it both unreasonable and unjust for any subject of England to attempt his seclusion from the crown. And I must here further protest unto you, that, although I had never so great esteem for the duke, yet were it not just, lawful, or right for him to succeed in the throne of England, I should never open my mouth, nor use any arguments in his behalf; but the right, justice, and equity, that I believe him to have on his side, make me trouble you with these: And I must also beg your pardon, that I presume to tell you my opinion, and to lay down my weak reasons for the justice of the duke's cause, since I know you are already furnished with such, that may, in law and equity, be a sufficient bulwark to defend his right against all the opposition can be made from rational men; therefore, honoured sir, I shall be obliged to use the less arguments to you upon that subject; nor will the scantling of a letter give leave for long harangues, or for oratorious pleadings of the case.

In the first place, I suppose there are none, even among his violent opposers, that any ways question the duke's right of succession; so that his indubitable right to succeed his brother (whom God long preserve) if he hath no legitimate children, is not the question: But whether it be commodious or profitable to the nation, or the people of England, that he should succeed, because a Roman Catholic, is the thing stood upon. We shall not here at all question the right and power that the king and his parliament may have to dispose of the succession, and to cut off the duke from all hopes of succeeding to the crown; we will grant it that it is in their power so to do; but all that I have to urge to you is, that, in so doing, they would be very unjust, or at least give very hard measure to the duke, only because he has changed his religion, and by which means they have entertained an opinion that he will bring in popery, and alter the religion of England: But I think it is a maxim in the christian religion, that we ought not to commit an evil that good might come thereon; and therefore, if putting the duke by his just and indubitable right be committing an evil against justice, law, and right, it ought not to be done in any expectancy of the good that shall follow thereupon; and how they can salve such an act, which is decried by all princes, and by many wise and great persons, from injustice and wrong, I cannot tell. The jealousies and fears of the people ought not to stir up those in authority to do injustly: And it is feared likewise, that the bringing in of popery, as a consequence of his succeeding to the crown, is buzzed about into the people's ears, in order to increase their fears and jealousies, by some persons, who may perhaps have other designs in their heads, not only of breaking the legal line of succession, but that also of all kingly successors: so that, whilst, by this means, the people seek to maintain their religion, they will be forced to lose their government, and be reduced again to the many arbitrary-headed monster, whose paws will be far more heavy than the royal scepter in the hand of the duke: and this I doubt will be all that will be got by secluding the duke. This one thing is enough to make the king fearful of yielding to such an act, and to cause him by all means to endeavour the securing to his people the ancient government of the kingdom, as well as religion and property; since there are also fears and jealousies on the one hand as well as the other.

I see my letter grows long, and therefore beg your excuse, that I huddle up what more I have to say, which might be enlarged upon.

I say further. that the great and heroic love, as well as just and pious, that his majesty has for his brother,[1] should be some argument to his people, not to urge things so violently against the duke, and so opposite to the affection of his majesty; he having declared, That there is nothing that a parliament can demand, to secure them in their religion, and to quiet their fears and jealousies, he will not willingly grant them, excepting this one thing, of utterly secluding his brother from his right, which is against his conscience. I say, that methinks in this matter, the people should be as tender of the conscience of their king as he is of the desires of his people; and that a medium may be found out, that may satisfy both the one and the other, without laying this ax of seclusion to the root of the tree. And, to add to the weight in the duke's scale, and to oppose those who would have him to be the cause of the troubles of the nation, (though nothing yet has been plainly proved, that his enemies can lay to his charge) I say, the people ought not to forget the many heroic and valiant actions he has done for his country, how boldly and willingly he has ventured his blood and life in the Dutch wars, exposing himself to all manner of dangers for the sake of his country, for which, like the noble Themistocles, he is in danger of running the same fate, of being banished by those people to whom he had brought the crown of victory. But however justly the Athenians thought they might do it, his banishment, to this day, stands as a brand of their ingratitude and ill-nature in the records of history; as, no doubt, will this seclusion of the duke, after his valiant actions, be recorded to the dishonour and ingratitude of your nation.

We should now examine how far the religion of the prince is consistent with the essence of government; and whether there be that danger to the protestant religion, from a popish successor, as his adversaries pretend; and many arguments might hence arise, which might give an eclaircissment to the matter in question: But I doubt I have trespassed already too long upon your patience, and therefore shall not trouble you farther at this time concerning them; believing you sufficiently furnished of yourself with a true speculative knowledge of those cases, and that you are able there-hence to raise many arguments in so just a cause. But, before I bid you farewell, I must also take notice, that in pressing the king to perform an act of violence to himself, they mightily distrust Providence; for, after all, the duke being so little under the age of the king, he may first die, and by that most natural way secure them from their many fears and jealousies of dangers, that may accrue to them by his succession, if Providence thinks good; but if not, and that he should survive, I question whether an act of parliament would be able to keep him from endeavouring to obtain his right. It is therefore the best way to wait a while and, to submit to Providence, who knows best how to dispose of all things, and not to be too anxious and fearful of such things as may never come to pass, and not to run into unjust actions in order to prevent them. Pardon

[1] This love was disputed by Burnet, whose words, with Bevil Higgons's reply, run as follows:—"For though the king never loved or esteemed the duke, yet he seemed to stand in some kind of awe of him. This very thing he has asserted more than once; but how he will reconcile this notion to the actions of that prince, we cannot imagine. As to outward appearance, the friendship of the two brothers was very remarkable; whenever the sedition and violence of the times tore them from one another, they always parted with the most tender sentiments of brotherly love, and a friendship that was highly edifying to all men of honour and virtue. The king always employed him in places of the greatest trust, till the jealousy of the duke's religion rendered him unqualified for any employment. When the bill of exclusion had set the nation on fire, this weak, this indolent prince, absorpt in pleasures, according to our author's character, shewed a firmness and resolution in defence of a person whom he neither loved nor esteemed that must make his conduct in this light very unaccountable; when, by sacrificing to his interest the man whom he feared, he might at once have got rid of those apprehensions and the danger that threatened him at the same time from his people. Besides the tenderness with which, when dying, he bequeathed him his crown, might refute this false and ridiculous assertion of the author."—HIGGONS'S *Remarks, Lond.* 1727, 8*vo. p.* 129.

me, I beseech you, the trouble I have given you, since I was urged to it by the affection I have to a person, that I believe most in the world are mistaken in, because ignorant of his worth. I am, Sir,

Your most humble and faithful servant.

Some modest Reflections upon the Commitment of the Earl of Shaftesbury, arising from the late Indictment against Mr Stephen Colledge.

"It is now proper to recollect what is said in the letter from Paris to both houses of parliament, concerning Darius's not being afraid to throw the accusers of Daniel into the same den which Daniel had been delivered from. For, whether it was by way of menace, or from assurances received, that the accusers of the then suffering papists should suffer also in their turn, the saying was now remarkably fulfilled. The very witnesses which had been imported from Ireland to confirm the popish plot, all at once made a short turn, and swore high-treason against their importers: and, that they might open their evidence with so much the more credit, Plunket, the titular primate of Ireland, was executed at Tyburn for high-treason, at the very crisis that Rouse, Colledge, and the Earl of Shaftesbury were committed. For the two former were committed June 29; Plunket was executed July 1; and his lordship was committed July 2, 1681."

It is long since we were assured by those to whom we owe entire credit, that, had the papists succeeded in their design of murdering the king, 1678, the dissenters, and such others as they proposed to register and inroll in that number, were to have been charged with the guilt of that devilish and traiterous assassination: But it pleased God, through a timely discovery of their hellish conspiracy, not only happily to preserve his majesty's life, but to deliver many thousand innocent persons from the capital dangers into which the Romish party had contrived to have brought them, by a false and scandalous accusation. And therefore, finding the nation not only awaked to preserve itself by all due and loyal ways, but justly provoked to bring upon them the punishments which they had deserved by that hellish plot against the person of the king, the established government, our religion, and the lives of all true protestants, they have been endeavouring since, by all the arts and industry they could, partly to corrupt the witnesses that had discovered their villanies, and deposed against them, and partly to oblige them, and such other profligate persons as they could hire and suborn, to swear a sham-plot, wherein his majesty's best and most loyal protestant subjects should be reported to be engaged. And though they have been detected in above twenty several instances of this kind, and thereupon disappointed as to the ends which they proposed unto themselves, yet, having no other game which they can play with any probability of success, they have pursued this design with the more indefatigableness, and having employed all their policy to mould it into some credible form, they have been at great and vast expence to bribe needy and debauched fellows, to support and confirm it by horrid and unprecedented perjuries. For they suppose that, could they but get one protestant to be found guilty upon such an indictment as they have been providing and framing matter for, they should then be able to involve a great

many under the suspicion of the same guilt. And, consequently, should the king come to be assassinated by some popish hand, they would labour to render protestants obnoxious to the scandal of having perpetrated so abominable a crime. However, by suggesting to his majesty, that his protestant subjects are embarked in a conspiracy against his person, they do promise themselves to bring the king either to trust and rely upon them for his safety, or to grant an act of universal oblivion for the quieting the minds of his people, and the peace of his government. Or the least that they do hope from this pretended plot is, that the same persons being produced as witnesses in this case, that had appeared to give evidence concerning the popish plot in England and Ireland, they shall come to be disbelieved in reference to the one, through their not obtaining credit in relation to the other. But, as I shall at present decline the consideration of those reasons, why these very witnesses ought to be believed in whatsoever they have sworn against the papists, though no faith or credit is to be given unto what they depose against protestants, so I conceive the papal party may happen to exclude themselves from having any share in an act of indemnity, by being the authors and promoters of this sham conspiracy, whereby they would ruin so many of the chief upholders of the established government and the reformed religion. Nor can there be a greater evidence, that the popish plot is as effectually carried on as ever, than this late attempt to render his majesty jealous of his most loyal subjects, and to cause them to be distrustful of him, and thereby render him and them naked of all defence against the manifold preparations they have made both at home and abroad, for the destroying of his person, and the subversion of the government.

It is beyond all contradiction plain out of whose forge this engine to endanger our peace, and destroy many innocent protestants, came; seeing it appears, by the testimony of good and substantial witnesses, that the priests in Flanders had not only notice of, but divulged it to such as they conversed with abroad, before there was any suspect or apprehension of it here. For there are several now in town who were not only told beyond sea, about the 27th and 28th of June, that my Lord of Shaftesbury and diverse others would be secured before the said persons could arrive in England, but the priests who were the authors of this openly declared unto them, that they expected such success in their projections and undertakings from it as to be able to say mass in our churches at London before Christmas next. Nor was it only in Flanders, where the fathers, and those they had intrusted this secret unto, were acquainted with it; but we understand the same by some lately come through France, who also heard, from the like hands, that the Earl of Shaftesbury, and many other protestant lords, were to be committed before the most inquisitive and sagacious here could entertain a thought that there was any such thing intended.

But it is easier for men actuated by rage and malice to frame and contrive a design whereby to ruin others, than to make it coherent in the parts of it, or give it that face and colour which may render it probable. And as no man that knows the Earl of Shaftesbury will think that ever he could enter into such a conspiracy as he is charged with, much less can they believe that persons of so mean fortunes and shallow understandings, as hitherto are accused for it, should not only be acquainted with, but have the principal promoting of it committed unto them. For though Mr Whitaker and Mr Colledge may be men very well qualified for their respective employments, of great zeal for the protestant interest and the legal rights of the people, and of good reputation for their integrity, yet they are not persons of those abilities, estates, or power in their country, as to be preferred before others, much above them in understanding, as well as in all other respects, to be consulted and advised with, about the regulation or change of the government.

But if we apply ourselves to consider the nature and qua ity of this plot, as weare let into it, and have it a little unveiled by the indictment preferred against Mr Stephen

Colledge on Friday last, we shall go near to find this protestant conspiracy, that some have made such a noise about, to be the most ridiculous and romantic invention that ever men, pretending to wit or sense, suffered to be imposed upon their belief. For by Colledge's being introduced by one of the witnesses reviling the Duke of Monmouth, in terms as gross and opprobrious as false, all that know the man are sufficiently instructed what little truth there is in all the rest whereof he is accused.[1] For next to his majesty, there is none in the world that he hath that known esteem for, and in whose service, in consistency with his loyalty to his prince, he would so soon sacrifice himself and all that he hath, as the Duke of Monmouth. And so far do all men judge him from using such ignominious expressions as he is accused of, concerning that great personage, that they verily think, had any of the witnesses used that language of his grace in Colledge's hearing, he would have taught him better manners, though with the hazard of his life. But the papists are so accustomed to asperse and slander this duke in the most ignominious terms, that they cannot forbear the fathering base and reproachful calumnies of him upon such who would not forgive themselves the crime of having a low or diminishing thought concerning him. But the design of making this accused person speak thus vilifying of his grace, is too obvious not to be discerned, and so silly that every apprentice-youth laughs at it. The popish party, finding that the duke is sincerely and unchangeably fixed for the protestant religion, and that thereupon he hath a great and deserved room in the hearts of all true Englishmen, they would fain endeavour to persuade him, that the people do despise and scorn him, thinking that, if any thing could, this would make him less zealous for the protestant doctrine and worship. But they will find themselves deceived; for as nothing can abate his love to the established religion, so the extraordinary respect which the people do universally bear him upon this account is neither to be lessened towards nor alienated from him. But when we advance a step further, and find this pretended plot to be no less than a national conspiracy to destroy a prince, whom they so unanimously restored to the throne of his ancestors a few years ago, we shall find cause to disbelieve every word concerning it, and to pity the folly and simplicity of those that have endeavoured to abuse his majesty, and his ministers, with so ill-contrived a sham. For, according to the evidence which Smith and others gave in court, it is no less than a plot, wherein not only city and country, but the very parliament, are all embarked and engaged. But as the naming and interesting the parliament in a conspiracy, is enough to satisfy any reasonable man that there is none at all, so it enlightens us, upon what motive and inducement all this is invented and contrived. For the papists, knowing the villanies which they are guilty of, and being sensible of the dangers they are liable unto, from the justice of a parliament, whensoever one meets and continues to sit, they have therefore no other course to steer, but to render parliaments suspected to his majesty, that he may call no more. Accordingly, after they had hired a company of rascally scribblers to defame parliaments, especially the House of Commons, they now assume the impudence openly to arraign them of a treasonable design of deposing the king and altering the government. But the fellows whom they had suborned to this purpose, though they had the villany to become instruments in so black an undertaking, yet they had not the wit to conceal it till it was ripe to be vented and improved. For, besides, that one had the boldness, in a late pamphlet,[2] to advise the king to reign

[1] Upon Colledge's trial, Haynes swore, that, being questioned concerning the Duke of Monmouth, he replied, "Alas, we make an idol of him to adumbrate our actions, but do you think the wise people of England would ever make a bastard upon record King of England? No! though we praise his actions, yet we cannot endure him, as being against his own father."

[2] Called an Apostrophe from the Loyal Party to the King's most sacred Majesty: humbly shewing how the next House of Commons, by law, may be purged of its disaffected members, which the author explains after this manner. By law no papist can sit in the House: all those concerned in the late rebellion, and even their children, are papists in masquerade; therefore one and all may be legally expelled. But, lest this kind of law should not

arbitrarily, Smith,[1] that famous witness, is known to have given out some time ago, that he would spoil our parliaments. But the suffering mercenary persons to speak and write of parliaments with that impunity they have done of late, is enough to detect and betray the whole project and design to every rational man. And can any one think, that, if there were such a conspiracy, wherein so many persons of quality, power, and estates were engaged, his majesty's guards would be able to prevent their executing whatsoever they intended? Or can any man imagine, that it is for the king's safety and interest, to have the generality of his people brought to believe that he entertains such an opinion of them, as that they are united in a conspiracy against his person and government? Were not the king safe through the room that he enjoys in the hearts of his people, and did not they apprehend themselves protected by their own innocency? What Smith said (concerning the parliament) in the face of so great an assembly as was at the Old-Bailey on Friday last, and with so much impudence, that it plainly appeared to be spoken upon design, were enough to blow up the peace of the nation, and to throw us into blood in four and twenty hours.

But the place where this plot of seizing the king was to have been executed does farther assure us, that all this is mere fiction and romance, and that there was no such thing ever thought of. For as it was impossible that any number of men, proportionable to such an undertaking, should go to Oxford, without being seen and observed, so it is very well known, that the town was much emptier than could have been expected, considering that, together with the whole court, the great council of the kingdom was there assembled: and, instead of the members being accompanied with a train suitable to such a design, they denied themselves the having those menial servants with which they are usually attended elsewhere. 'Tis true that some gentlemen were honoured with the company of their friends some part of the way thither; but it is as true, that the persons who paid them that respect returned quietly to their habitations, after they had discharged that piece of civility which they owed their representatives: And whereas it was sworn, that they rode armed and with led horses, and that this was in order to apprehend the king, I shall take the liberty to say, that the person who made such an inference deserved a reprimand in the open court. Shall the witness Smith ride out of town accompanied with two servants, martially accoutred with fusees and pistols, as he did on Sunday last? And shall not lords, knights, and the best gentlemen in the kingdom be allowed to travel with a sumpter-horse, and a man or two with carbines, but there must be a conspiracy to destroy the government?[2] But though some men have both lost their discretion, and made shipwreck of their honesty, in obtruding so false and nonsensical a story upon the nation, yet there are those whose wit and understanding have not so forsaken them, but that they can see through all this, and whose integrity will guide and oblige them to judge impartially. For is it to be apprehended that they could entertain a purpose of seizing the king at Oxford, who were so afraid of venturing themselves thither, and so importunate with his majesty, that the parliament might have sat at Westminster?

be allowed, he advises his majesty, by way of *succedaneum*, to make his own will a law, and to take off the head of that man, who should dare to open his lips to contradict it. Such was the piece here referred to: And being such, it is perhaps as reasonable to conclude, that it was set forth by the malecontents themselves, in order to bring an additional scandal on the courtiers, as that the intemperate zeal of any among the latter should impel them, in so savage a manner, to gratify their passions at the expence of their cause.—*Orig. Note.*

[1] John Smith, one of the principal evidences against Colledge. His evidence went to prove that Colledge had gone down to Oxford in arms, expecting an open rupture between the king and his parliament, when he would be ready to assist in seizing upon the king's person, in case of his attempting to arrest any of the popular members.

[2] Notwithstanding this triumphant assertion, it is certain that the country party, or opposition members, appeared at Oxford in such a martial array as might either imply their own apprehensions of violence, or some intention to commit it themselves. The London members, in particular, were attended by a considerable body of armed horsemen, wearing in their hats a ribband, with the words, No Popery, no Slavery.

Alas! instead of harbouring any thoughts of attempting upon the king, or others, they were apprehensive that the papists had some design to be executed there against them.

Was it ever known that when a conspiracy was so universally laid, as this is said to have been, and wherein so many were concerned, as are reported to have been engaged in this, that men would lose the only opportunity of executing what they had intended, knowing withal the punishments to which they were liable, should they be discovered, and how impossible it would be to conceal a business of so high and dangerous a nature, with which so many were made acquainted? And can there be any thing more incredible, than that there should have been such a plot against his majesty at Oxford, and yet that there should never appear the least symptom or umbrage of it, neither during the sitting of parliament, nor at, or after, their dissolution? Yea, was not his majesty so surrounded with armed forces, besides his having the whole militia and posse of the shire in hands that he could trust, the noblemen and gentlemen who are fancied to have been in this conspiracy bearing no proportion unto them, that the very thought of such a thing as is imposed upon them would have argued them lunatic and distracted? But what villains were these witnesses, if they knew of such a design, that they did not acquaint his majesty with it, before he exposed his person to so imminent a hazard? Or how comes it, if the king and his ministers knew it, that it had lain dormant so long since? For, besides the great danger to which they must be believed to have suffered his person and the government to have been all this while exposed, if they were informed of such a plot so long ago; this one thing had been a more justifiable reason of the speedy dismissing that parliament, than all that are in the declaration which was published upon that occasion. It is true, Mr David Fitz-Gerald spake of such a design the night after the parliament was dissolved, with this further addition, that the city of London was in arms, and that his majesty would have been apprehended, had he not escaped in that haste which he did. But as the falsity of one part of this scandalous suggestion shews of what metal and stamp all the rest is, so no man had more reason to rejoice in the parliament's being dissolved, than this footman, metamorphosed of late into a gentleman of quality and estate: For, had the house sat on that Monday to hear the cause which was depending before them against him, he had been made appear to be the most infamous person alive, and more worthy of being sent to some place provided for receiving the worst of men, than to be allowed to frequent the palaces of public ministers, and the houses of administrators of justice.

But if we enquire into the quality of the witnesses, and consider not only the probabilities, but the demonstrative evidences of their having been tampered with, we shall be yet more clearly convinced that there neither is, nor ever was any such plot as the Earl of Shaftesbury stands committed for. And, to wave the consideration of several crimes, with which all of them are chargeable, and for which some of them have been indicted and arraigned, I shall insist upon some other topics, which it may be more convenient at present to discourse of. It is therefore, in the first place, no small inducement to think that they have been suborned, that it can be proved upon all of them, and that by many persons, and those of as good reputation as any in and about the city, that they have often declared, even since the Oxford parliament, that they never knew of any presbyterian plot, nor of any conspiracy wherein so much as one protestant was engaged. And, secondly, it contributes something to raise in us the same persuasion, that they delivered their testimony as if it had been consigned to them to get by heart, and not as a deposition relating to words which they had heard in occasional discourse, some time since, and which they were to call over with that fear and modesty which became persons that were liable to mistake and forget. Thirdly, the garb which they are lately gotten into, and the plenty of money that their

pockets are filled with, increaseth the belief that they have been managed by some one or other to say what they do, and that they are well paid and rewarded for it.

For some of them that were lately in debt, beyond any probability of being ever able to pay what they owed, have, within these few days, found money both to discharge their creditors and new vamp themselves. Fourthly, it creates a new suspicion, how these persons come to appear as evidence for the proof of a protestant plot, that diverse others, as will appear in due time by their own depositions, have been tempted to be serviceable in the same design. Fifthly, that all this is sham, and proceeds from subornation, is evident beyond all control, in that of the six witnesses, who were mustered up at the Old Bailey on Friday last, after they had sworn such and such things in the face of the court, some acknowledged to the grand-jury, when they were examined one by one, that they were hired unto it, and that they had a sum of money for doing it: which, as it vindicates the integrity of the jury in returning ignoramus upon the bill, [1] so it intimates to us upon what reasons some, whom I forbear to name, opposed their being examined apart. For as all the persons who served in that jury are men of that known honesty and uprightness, that they would not willingly perjure themselves to save a kingdom, so most of them are not only avowed members of the church of England, but two at this very time church-wardens, and a third of them an officer in the reformed militia of the city. But it being hoped that they will give the world an account of the justice of their own verdict, I shall leave what may be farther said in the vindication of it to themselves.

But what will it amount unto, towards the proof of a protestant plot, wherein my Lord of Shaftesbury, and many other great and worthy persons, are said to be concerned, if some rash and unadvised words should be proved against Colledge and Whitaker? Shall other men, and the best and wisest in the nation, under his majesty, be immediately judged traitors, because one or two warm and inconsiderate persons have talked foolishly and extravagantly? We are fallen into a strange world, if a body of men must be made accountable for the giddiness of some, and those such as they had little converse with. Nor are the fanatics to be reproached for the unwary and dangerous expressions of these persons, seeing they are not only members of the [2] church of England, but chargeable with some failures that the dissenting churches would not allow any to continue in their communion that should be found guilty of them.

But I shall leave the further pursuit of this at the present, and only add, that the same day that the Earl of Shaftesbury was committed to the Tower, there was a warrant obtained of his majesty to the privy seal, for the pardoning three Oneals that are known traitors. Which, as it intimates how much his majesty is solicited by some ill men, so this ought to be recorded for his honour, that he commanded the stopping of their pardon as soon as he understood what they were.

[1] Who was hereupon indicted anew before the grand jury of Oxford, and the bill being found, tried by special commission, before the Lord-Chief-Justice North, &c. condemned and executed.

[2] Mr North, in his Examen, pronounces Colledge a fanatic.

Vox Populi, Vox Dei; or England's General Lamentation for the Dissolution of the Parliament.

Printed 1681.

The short-lived Oxford Parliament, after threatening something like a bloody termination, was very suddenly and peaceably dissolved; of which remarkable transaction, Rapin gives the following account:—"The 28th of march the Exclusion Bill was brought into the house and read. After the reading, Sir Leoline Jenkins alone spoke against it. He repeated some of his former reasons, as that this bill condemned a man unheard, was directly contrary to the wisdom and justice of the nation, and tended to introduce a new system of government. If, continued he, the duke will try to cut this law with his sword, if he overcome, he will have the same power to set aside all laws, both for religion and property; the power will be in the hands of the conqueror, &c. Some railleries were passed upon him for not being seconded, after which the bill was ordered a second reading. The House of Commons was resuming the debate about Fitzharris, when, on a sudden, the usher of the black rod commanded their attendance in the House of Lords, where they found the king in his robes, who told them,—'He perceived there were great heats between the lords and commons, and their beginnings had been such as he could expect no good success of this parliament; and therefore thought fit to dissolve them.' Accordingly, the chancellor declared the parliament dissolved. The king, who was prepared for what he had done, immediately took coach, and drove with all speed to Windsor, and the next morning to Whitehall; seeming extremely pleased that he had thus made his escape from the designs of the commons. This parliament, which sat but seven days, was the fifth and last of this reign. From this time the king, during the rest of his life, governed not only without a parliament but with an absolute power. - - - -

"The reader must be astonished to see a king who had received so many mortifications from his parliaments, who had been so often obliged to comply and feign opinions he had not, on a sudden become absolute master of his kingdom, without fleet, without army, without foreign assistance, without money but that of his ordinary revenue, after many years fruitless labours to accomplish his designs. It is therefore absolutely necessary to unfold the causes of so surprising a revolution."—RAPIN, vol. II. p. 722.

No popish successor, no popish successor, is now the voice of the people; and if the prayers of most of the nation be heard, it will be also the voice of God, and England will be never so unhappy as to see a popish idolater on the throne. There is no nation in the world so jealous of their liberties as the English, and yet there is no right or privilege so dear to them as their religion. Their consciences sway more with them than their purses or their lives; and the protestant religion, in which they and their fathers have been so many years bred, and under which they have seen so many happy days, freed from the tyranny and oppressive yoke of the pope, is become so dear to them, that the apprehension only of the loss of it has of late put them into these dreadful agonies and apprehensive fears, by the plotting of popish traitors, to bring in their idolatry, even by taking away the life of the king, and subverting the present government; and by the prospect they have of all those subsequent evils, which are un-

evitably like to fall upon this nation by the means of a popish successor. For this reason the people seem to cry out with one voice, No popish successor, no idolater, no Queen Mary in breeches, no tyrant over the conscience, no new persecutor of protestants in our land.

That these fears and troubles might be allayed, that our hopes might be renewed of sitting down every man in peace and tranquillity, being assured to enjoy our religion undisturbed, and our consciences unconstrained, and that traitors, malefactors, pernicious and evil counsellors might be punished and removed, was all our hopes in this parliament, and that which made them so dear in the eyes of the people, who of late thought that they might have applied to themselves the prophecy of Jeremiah, "That God would turn our mourning into joy, that he would comfort us and make us rejoice from our sorrow."—Jer. xxxi. 13. For, indeed, the drooping spirits of most of the people of England were suddenly revived and raised from trouble and affliction by the calling of this late parliament; and they blessed God, and gave thanks for the great care and kindness of his majesty to and over his people: We were comforted, and we lifted up our head with rejoycing and acclamations to see the comfortable beginnings of the king and his parliament; and we began to think, that God and the king had wiped away tears from all faces.

But, alas! how soon is our day clouded! And how are we cast down in a moment! Our trust and our confidence is broken, and God has "turned our feasts into mourning, and all our songs into lamentation: Shall not for this the land tremble, and every one mourn that dwelleth therein?" It is for our sin and iniquities that God suffereth this calamity, that he permitteth our hopes to be broken, and our parliament to be dissolved; and now, as if that prophecy of Zechariah were fulfilled in us, "In that day shall be great mourning in Jerusalem, as the mourning of Hadadrimmon, in the valley of Megiddon; and the land shall mourn every family apart," all the faces of the people are filled with trouble and confusion, and every one mourneth apart, and in secret; and they cry out, What shall we do to be saved from the fearful apprehensions of the evil to come? How dejected are all our hearts! How troubled are all people at this dissolution! How sensible are they of this so great unhappiness to the nation! And with what consternation and lamentation is it entertained! By what counsel or persuasion this comes about we know not. We know the hearts of kings are unsearchable, we question not the wisdom and power of his majesty, we know that it is by God kings reign, and that he turneth their hearts as the rivers of waters; but however this cometh to pass, we cannot but mourn and lament to behold our hopes so suddenly dashed and confounded. It is for our sins, doubtless, that this evil is come upon us; and therefore let us first prostrate ourselves humbly before the Lord, and then with one consent supplicate his majesty to ease us of the burden of our fears, and to stop the mourning and lamentation of his most faithful liege people.

Sure we have great cause to lament and to mourn to see England's most worthy patriots, who were assembled for the good of the king and the kingdom, to be so soon scattered and dispersed, before they had brought to perfection their good intentions, whilst they were endeavouring to establish the perpetual happiness of the nation in securing our religion, rights, and privileges, and in taking away our fears and jealousies. Such patriots they were as Jethro advised Moses to choose to judge the people of Israel; men fearing God, loving truth, and hating covetousness. How happy was our gracious king in such a council! How happy the people of England in such representatives! A parliament that, had they sat, would in after ages been called a blessed parliament, a parliament noted for four requisite virtues, religion, wisdom, courage, and industry. That they were religious, or men fearing God, appears, that before all other things they began with the securing to this nation the true protestant religion established by law, and what in them lay to prevent the rushing in of popery, which, like an inun-

dation, is like to break our banks, and to bring a deluge of destruction and persecution upon the land. That they were wise appears, because they were men loving truth; for wisdom cannot stand without truth. Honesty is the best policy, though an old saying, is a true one; for to deal freely and sincerely is a sign of wisdom. They were such as would take off the vizard-mask of a most detestable plot as ever was hatched against a nation, and that would have shewn the truth of all, that yet lies lurking at the bottom. And at the last, had they continued, we doubt not but that the nations round about us would have been forced to have said by us as Moses prophesied those of Canaan should say by the Israelites, "Surely this nation is a wise and an understanding people." And if those many wise laws and statutes, which were under the consideration and wisdom of the late parliament, had been brought to perfection, they would then also have taken up the other part of that prophecy of that law-giver and prophet, Deut. iv. "What nation is there so great, that hath statutes and judgments so righteous?" That they were men of courage appears by their being no respecters of persons; for that they spared no man for his greatness and might, nor despised any one for his meanness and inability. They were bold assertors of the liberties of the people, and in the ways of righteousness feared no man. That they were men hating covetousness plainly appears by their votes against a late corruption of pensioning: gold would not blind their eyes, and being men of estates, and abhorring covetousness, they endeavoured to take away the temptation. And, lastly, that they were industrious, is manifested to all by their pains took, thinking it no labour night and day to serve their king and country; and by the many useful and beneficial acts, tending to the good and benefit of this nation, which they were promoting with all indefatigable pains and industry.

These are the men that are dissolved, their power broken, and our trust, hopes, and confidence cast down. It is for this England laments and mourns, the city is afflicted, and the country in trouble; and all good and loyal Englishmen, with dejected countenances, sad hearts, and wet eyes, bemoan their loss. It is now a time of trial and affliction. *Calamitas virtutis occasio est.* It is in calamity that our virtue will appear; let us not be afraid to petition his majesty in this our distress; let him behold our sad hearts, and our faces besprinkled with tears; let him know our just fears; lay before him our jealousies and distresses; let him hear our complaints and lamentations, and let us not be dumb; and withal, let every one endeavour to reform himself, and publickly call upon God to defend and protect us: "For he is king of all the earth, he is a God that doth wonders, he hath declared his strength among the people: He is a sun and a shield, he will give grace and glory, and no good thing withhold from them that walk uprightly:" Therefore let us say with the prophet Isaiah, "We will trust and not be afraid, for the Lord Jehovah is our strength, he is merciful and gracious; he will at last hear the groans of his people, and swallow up death in victory, and wipe away tears from all faces," Amen. So be it.

Remarks upon the New Project of Association, in a Letter to a Friend.

"In these tracts we frequently meet with the word *ignoramus*; and that posterity may fully understand the use and application of it, during these times, a few words may be necessary by way

of explanation. According to Mr North, the malecontents had long expected a storm, and had as long provided against it, by endeavouring to secure the law, or at least the issue of it, on their side: This, in London and Middlesex, they did very effectually; for having obtained and secured a majority in the Common Hall, they had it thereby in their power to chuse such juries as should insure them an indemnity against any prosecution whatsoever. The malecontents, on the contrary, urge, that this precaution of theirs, with respect to juries, was only to provide against the artifices of the court, and to balance the influence of the bench, ever too prone to throw their weight into the royal scale, at the expence of the subject. This, however, is certain, that the court could not shew more solicitude to convict their prisoners than the jury to bring them off. Thus partiality encountered partiality, justice was out of the question: every charge was aggravated, or extenuated; and every verdict justified and condemned, not as reason but prejudice directed: and indifferent persons, if any such could be found, were utterly at a loss for a standard to fix their fluctuating opinions. To apply all this to the Earl of Shaftesbury: his name was no sooner printed in the Gazette, with an accusation of treason, than the whole nation took part for or against him. Every day produced its apology and [1] invective. The court believed the strength was on their side; but were either afraid to make the experiment or lay in wait to re-inforce their evidence: for his lordship, at two several sessions, petitioned for a speedy trial, or to be admitted to bail, without effect. At last, however, on November 24th, the affair was put in train; for a bill was laid against his lordship, before the grand jury of Middlesex, for high treason. The witnesses for the king were solemnly examined in open court, by express command, to all the points alledged in it, but were re-examined by the jury apart; and, upon the issue of all, the bill was returned with an ignoramus indorsed on it; which so mortified the court, that they proceeded no farther against him, but did not agree to his discharge till the 13th of February following. As to the bill itself, it was, in short, for intending and compassing the death of the king: and for overt-acts, it was deposed, that he had consulted with one Booth [2] and others to effect his design; and that he had made a

[1] Of this latter kind was a paper called Articles against the Earl of Shaftesbury; the contents of which were as follow:

I. That he had imagined to compass and procure the death of the king, the subversion of the government, and the known laws of the land, by reducing this ancient monarchy into a republic.

II. That he used great endeavours to possess the people, That his majesty was a papist, and designed to introduce popery and arbitrary power; and to that end had promoted several seditious and treasonable libels against his majesty's person and government, purposely to bring his majesty into an odium and contempt with his loving subjects.

III. That he endeavoured to levy war against the king, both in England and Ireland, and bring bloodshed and confusion upon his majesty's good people, under pretence of prosecuting the popish plot, and preserving the protestant religion, the liberty and property of the subject, as he and his confederates had done in the late rebellion.

IV. That he endeavoured to render the church of England as ridiculous as popery, and defamed all his majesty's officers, both by land and sea; and all others, who out of a due sense of loyalty adhere to the crown, stiling them Tories, Tantivies, Masqueraders, &c. purposely to frighten them from their duty, and wean them from their sovereign, to adhere to him and his faction.

V. That he countenanced, harboured, and hired persons to swear against the queen and his royal highness.

VI. That he procured several sums of money to be raised and collected to carry on these most abominable designs.

And in the close of all it was said, That the serjeant-at-arms, who apprehended his lordship, desiring him to eat something before he went out, his lordship answered, "I have no stomach to eat, unless I could get a roasted Irishman."

[2] Booth was a man of family, but of desperate circumstances. The stress of his evidence consisted in these particulars: That he had been introduced to the earl by one Captain Wilkinson, an old royalist, in the preceding January: That he had been of a continual club with him ever since: That, in the course of this time, he had heard his lordship inveigh sharply against the times, and discourse of the dangerous consequences likely to ensue, in case of a breach between the king and parliament. That, in particular, his lordship, judging it dangerous to go to Oxford, without a sufficient force to oppose the guards, &c. provided a troop of fifty persons of quality, to be commanded by Wilkinson: That of these Booth himself was one: That he became so at the instance of Wilkinson: That he bought himself a good stone-horse and accoutrements for the said service: That Wilkinson was to furnish his man with a horse: That, in case of the breach abovementioned, or any violence should be offered to the members, the said troop, in concert with those provided by other lords, were to repel force by force. That the guards were to be purged of papists and tories, and the privy-council of dangerous persons: That the king was to be brought to London: That such other measures were to be taken, as might secure the nation from popery and arbitrary power: That, on the Thursday before the dissolution, Wil-

provision of armed men for that end. There was, indeed, but one witness (Booth) to these overt-acts; but then there were five more, who swore to many dangerous expressions which he had let fall, concerning his majesty, the ruin of the monarchy, the establishment of a commonwealth, &c. and, to make up weight, was thrown in the Association, which is the subject of the ensuing paper, but not insisted on, as any direct proofs against him; though, afterwards, it was made the subject of more clamour than the overt-acts themselves, on which the indictment was grounded."

SIR,

You would have me give you the sense of the town, together with my own private thoughts, upon the subject of your last. The former would be tedious and extravagant in a case where people, either through passion or interest, are so extremely divided. And the latter, with submission, would be as unsafe; but I shall, however, gratify your curiosity in as full and as particular an answer to the sum of your demands as the quality of the matter in question, and the compass of a letter, will conveniently bear.

You are so far in the right, as that the paper you speak of is said, by some, to be the project of a bill for an association, and grounded upon the precedent of an association, 27 Eliz. It is further said, that it is no more than what was moved in the last Westminster parliament; and only a short draught or scheme of an association for a general defence against a popish king. But, on the other hand, it is cried out against

kinson told me he expected a summons that very week to go to Oxford, together with his troop; and that the news of that event coming to town on Saturday, nothing was done. Here he closed; but the king's council observing, that this was rather a deposition against Wilkinson than the earl, and asking, whether he had never any discourse with his lordship after Wilkinson had spoke to him? he recollected himself, and answered, That though the first motion, concerning the troop, came from the captain, he had heard his lordship, in person, discourse of it at his own house. Now is it probable that this very recollection shocked his credit with the jury as much as it strengthened his evidence. But this is not all; he had endeavoured to induce Wilkinson also to turn evidence, the privy-council had done the same, and even the king himself had condescended to try the force of royal eloquence upon him; of all which the captain published a narrative. Besides, the dissolution did not take place until Monday, and was so much a secret, even at Oxford, until the very moment it took place, by the joint evidence of all parties, that it was impossible it should be known at London on Thursday; and in the celebrated answer to the king's declaration, by way of reproach to the court, it is said, that the Duchess of Mazarine had better intelligence than the two houses, because she published the news at St James's many hours before it took place. And, lastly, whereas Booth swears, that he bought a horse for the Oxford expedition, and that Wilkinson was to have mounted his man, the following advertisement was published in a newspaper, called Janeway's Intelligence, No. 65, the week after he gave the evidence:

"Whereas, upon Thursday last, an indictment was preferred to the grand jury, at the Old Baily, against the Right Honourable the Earl of Shaftesbury; and whereas Mr Booth was produced as one of the evidences, who swore in open court, that Captain Wilkinson was engaged with the said earl against his majesty and the government; and that the said captain was to command a troop of horse, to be mounted with fifty gentlemen; and that the said Mr Booth had listed himself as one of the troop: Also the said Mr Booth made oath, that he had bought himself a good stone-horse, and other accoutrements, for the said service; and Captain Wilkinson was to furnish his man with a horse.

"This is therefore to give notice, that if any one can make it appear that Mr Booth bought any such horse, with his marks and colour, and who he bought him of, about March last, or that he had any such horse within that time, and what stable he was kept at, shall have, upon good proof made thereof to Captain Wilkinson, five guineas paid him for a reward of his pains.

"Also, if any person can make appear, that the said Captain Wilkinson hath bought any horse, gelding, or mare, for these two years last past, or ever hath been on the back of any for the same space of time, saving one gelding, which he borrowed to ride to Wickham, when the members of the last parliament met at Oxford; or that ever Captain Wilkinson hath been nearer Oxford these twenty years than the said town of Wickham; upon proof thereof he shall have five guineas for his reward.

HENRY WILKINSON."

as the instrument of a treasonable conspiracy against his majesty and the government, under the countenance of a religious association.

Thus far, sir, you are rightly informed as to the business of ordinary conjecture and discourse; but your intelligence afterwards runs a little too large, for the paper was barely found in my lord's closet; and any man may have papers perhaps in his possession that he does not approve of. How far the members of that parliament (which is the next point) will find themselves concerned in honour to search farther into this affair, I am not able to divine.

It will be both for your ease and mine to consult and compare the pieces themselves, and to see how far this late draught of association agrees with the ends and intent of the former; and after that, to examine its consistency with itself. To which purpose, I shall, in their due place, lay both the associations before you, with such notes upon, and concerning them, as may serve, in some measure, to explain the matter in hand; and therein I shall speak to the several points of your letter, as they fall in my way. The words of the former are as follows:

The Paper which was[1] *seized in the Earl of Shaftesbury's Closet, by Francis Gwin, Esquire, one of the Clerks of his Majesty's Privy-Council; and read November 24, 1681, at the Old Baily, before his Majesty's Commissioners of Oyer and Terminer.*

1. We, the knights, &c. finding, to the grief of our hearts, the popish priests and jesuits, with the papists, and their adherents and abettors, have, for several years last past, pursued a most pernicious and hellish plot, to root out the true protestant religion as a pestilent heresy, to take away the life of our gracious king, to subvert our laws and liberties, and to set up arbitrary power and popery.

2 And it being notorious that they have been highly encouraged by the countenance and protection given and procured for them by James Duke of York, and by their expectations of his succeeding to the crown; and that through crafty popish councils his designs have so far prevailed, that he hath created many and great dependants upon him, by his bestowing offices and preferments both in church and state.

3. It appearing also to us, that by his influence, mercenary forces have been levied and kept on foot for his secret designs, contrary to our laws; the officers thereof having been named and appointed by him, to the apparent hazard of his majesty's person, our religion and government, if the danger had not been timely foreseen by several parliaments, and part of those forces, with great difficulty, caused by them to be disbanded at the kingdom's great expence; and it being evident, that notwithstanding all the continual endeavours of the parliament to deliver his majesty from the councils, and out of the power of the said duke, yet his interest in the ministers of state, and others, have been so prevalent, that parliaments have been unreasonably prorogued, and dissolved when they have been in hot pursuit of the popish conspiracies, and ill ministers of state, their assistants.

4. And that the said duke, in order to reduce all into his own power, hath procured the garrisons, the army, and ammunition, and all the power of the seas and soldiery, and lands belonging to these three kingdoms, to be put into the hands of his party and their adherents, even in opposition to the advice and order of the last parliament.

5. And as we, considering with heavy hearts how greatly the strength, reputation,

[1] In the Life of the Earl of Shaftesbury, 8vo, published in the year 1683, pag. 108, it is affirmed, "That one Mr Wilson, a gentleman in his service, perhaps as secretary, was entrusted to attend the council when his lordship's papers were looked over, to indorse those detained, and take care of those returned; that this paper was not indorsed as the rest were, and that Wilson himself was committed for high-treason."

and treasure of the kingdom, both at sea and land, is wasted and consumed, and lost by the intricate, expensive management of these wicked destructive designs; and finding the same counsels, after exemplary justice upon some of the conspirators, to be still pursued with the utmost devilish malice and desire of revenge, whereby his majesty is in continual hazard of being murdered, to make way for the said duke's advancement to the crown, and the whole kingdom, in such case, is destitute of all security of their religion, laws, estates, and liberty, sad experience, in the case of Queen Mary, having proved the wisest laws to be of little force to keep out popery and tyranny under a popish prince.

6. We have therefore endeavoured in a parliamentary way, by a bill for the purpose, to bar and exclude the said duke from the succession to the crown, and to banish him for ever out of these kingdoms of England and Ireland: but the first means of the king and kingdom's safety being utterly rejected, and we left almost in despair of obtaining any real and effectual security, and knowing ourselves to be entrusted, to advise and act for the preservation of his majesty and the kingdom, and being persuaded in our consciences that the dangers aforesaid are so eminent and pressing, that there ought to be no delay of the best means that are in our power to secure the kingdom against them, we have thought fit to propose to all true protestants an union amongst themselves, by solemn and sacred promise, of mutual defence and assistance in the preservation of the true protestant religion, his majesty's person, and royal state, and our laws, liberties, and properties; and we hold it our bounden duty to join ourselves for the same intent, in a declaration of our united affections and resolutions, in the form ensuing; (that is to say, ensuing the note, which here intervenes.)

Note, That the stile of the first clause, in these words, We the knights, &c. imports an act of the commons, exclusive of the lords; and *rege inconsulto*, the dread and danger of the popish plot is made the inducement to it; the papists' adherents and abettors being ranged with the papists themselves, and joined in the same design of murdering the king, &c.

In the second clause, his royal highness falls under the same accusation, and the government effectually put into his hands, toward the gaining of his ends. Now the meaning of adherents and abettors is expounded by the author of Smith's Queries upon the duke's bill, where he says, that [the pleaders for a popish successor ought to be esteemed no other than betrayers of their king and country, renegado's from their religion, (if ever protestants at all,) and the worst of papists, and so to be dealt withal in city and country.] Here's an anathema pronounced already against all men under that qualification; and the invalidating of the king's witnesses is one condition of the sentence, which does most expressly conclude all the present defamers of the king's witnesses under the same condemnation.

This way of exposing the king's loyal subjects of the English communion, under the notion of papists, or, in truth, beyond them, and that not only in libellous papers, but in some councils also, is too notorious to need any instances to confirm it. And what is the drift of these practices, but under a general scandal, to stigmatize that party that will not close with the faction, and to set them up as a mark to the fury of the rabble? And this is only a preparatory toward a greater work that is to follow; and whosoever is not wilfully blind, cannot but see the design to be all of a thread.

From this aversion toward a sort of people, in general represented under such a character, the next step is the naming of particular persons, the discriminating of parties, the computing of numbers and interests; and so from listing, to pass on into associations and levies. Let not this be taken for a trivial speculation upon the common methods and preliminaries to rebellion; for I have heard, and I do as firmly believe it, as a man can believe any thing that he never saw, that there is extant a calcu-

lation upon all the counties of England and Wales, alphabetically digested, dividing the men of interest and consideration in each respective county into two columns, one against the another; the one under the title of worthy men, and the other, of men worthy to be hanged, that is, ranging the country party, as they call it, under the former, and the court party under the other; which appears, as I am assured, by the transporting of names from one to the other, as any man is found to change his side and opinion. By the benefit of this roll, 'tis not above a week or ten days work to take a muster of the nation, to communicate orders, to know whom to impeach and whom to trust; and they that have money shall never want evidence. There is a wonderful correspondence betwixt the tendency of this list and the paper of association; betwixt the dictates of the factious pamphlets, and the matter of fact in evidence; and it were little less than a miracle, if all this should come by chance.

In the third and fourth clauses, the king's guards are pronounced to be contrary to law; the officers chosen by the duke, subservient to his designs, and dangerous to his majesty's person, &c. The king himself charged with following popish councils, unreasonable prorogations and dissolutions, in favour of popish conspirators and ill ministers of state, their assistants; the garrisons, army, and ammunition, in the hands of the duke's party and their adherents.

It is not work to amplify upon these falsehoods and slanders in this place, so that I shall proceed.

The fifth clause deplores the sad estate of the king and nation, by reason of the same council. And after this remonstrance upon the whole matter, (We the knights, &c.) come to a point, in that which follows; that is to say,

Sixthly, the king will not agree to bar and exclude the duke in a parliamentary way, and therefore we will enter into a league, and invite the king's subjects to join with us in a vow of mutual defence and assistance, in an unparliamentary way, to the intent of a declaration in the form ensuing.

Now put all together, and the sum of it, in short, is this: There's a plot upon the king's life, &c. The duke is in it, and prefers ministers of state, officers civil and military, for his purpose; prorogues and dissolves parliaments, saves the popish lords, makes the king a cypher, and, therefore, since he will not agree to exclude and banish his brother by act of parliament, (We the knights, &c.) will join with all true protestants in a sacred promise to destroy him and his adherents, without exception to his majesty himself, who, for refusing to exclude his royal brother, is declared to be one of the party. To what ends and purposes will be seen in the association itself.

The Association.

I, *A. B.* do, in the presence of God, solemnly promise, vow, and protest, to maintain and defend to the utmost of my power, with my person and estate, the true protestant religion, against popery and all popish superstition, idolatry, or innovation, and all those who do, or shall endeavour to spread or advance it within this kingdom.

I will also, as far as in me lies, maintain and defend his majesty's royal person and estate; as also the power and privilege of parliaments, the lawful rights and liberties of the subject, against all encroachments and usurpation of arbitrary power whatsoever, and endeavour entirely to disband all such mercenary forces as, we have reason to believe, were raised to advance it, and are still kept up in and about the city of London to the great amaze and terror of all the good people of the land.

Moreover, James Duke of York, having publicly professed and owned the popish religion, and notoriously given life and birth to the damnable and hellish plots of the papists against his majesty's person, the protestant religion, and the government of

this kingdom, I will never consent that the said James Duke of York, or any other, who is or hath been a papist, or any ways adhered to the papists in their wicked designs, be admitted to the succession of the crown of England; but by all lawful means, and by force of arms, if need so require, according to my abilities, will oppose him, and endeavour to subdue, expel, and destroy him if he come into England, or the dominions thereof; and seek by force to set up his pretended title, and all such as shall adhere unto him, or raise any war, tumult, or sedition for him, or by his command, as public enemies of our laws, religion, and country.

To this end, we, and every one of us, whose hands are here underwritten, do most willingly bind ourselves, and every one of us unto the other, jointly and severally, in the bond of one firm and loyal society or association; and do promise and vow, before God, that with our joint and particular forces, we will oppose and pursue unto destruction, all such, as upon any title whatsoever shall oppose the just and righteous ends of this association; and maintain, protect, and defend, all such as shall enter into it in the just performance of the true intent and meaning of it. And lest this just and pious work should be any ways obstructed or hindered for want of discipline and conduct, or any evil-minded persons, under pretence of raising forces for the service of this association, should attempt or commit disorders, we will follow such orders as we shall, from time to time, receive from this present parliament, whilst it shall be sitting, or the major part of the members of both houses subscribing this association, when it shall be prorogued or dissolved; and obey such officers as shall by them be set over us in the several countries, cities, and boroughs, until the next meeting of this or another parliament, and will then shew the same obedience and submission unto it, and those who shall be of it.

Neither will we, for any respect of persons or causes, or for fear or reward, separate ourselves from this association, or fail in prosecution thereof during our lives, upon the pain of being by the rest of us prosecuted and suppressed as perjured persons, and public enemies to God, the king, and our native country.

To which pains and punishments we do voluntarily submit ourselves, and every one of us, without benefit of any colour or pretence to excuse us.

In witness of all which premises to be inviolably kept, we do to this present writing put our hands and seals, and shall be most ready to accept and admit any others hereafter into this society and association.

This form of association is only the covenant revived, with the same licence, limitations, reserves, and equivocations, and to the very same end and purpose: And all schismatics, and heretics whatsoever, are taken and invited into the combination, under the colour of preserving the true protestant religion, (the papists only excepted.) The guards to be disbanded as illegal, his royal highness to be expelled or deposed, and all his adherents, (even the king himself,) to be destroyed by force of arms; that is to say, the king is to be allowed no other ministers, magistrates, officers, but what the associates shall vouchsafe to afford him, and he himself likewise upon his good behaviour, under the pain of an immediate insurrection, tumult, and revolt.

Being engaged by this vow, promise, protestation, (or to what else you please,) to a downright rebellion, unless the king will deliver up his crown without striking a stroke for it, the oath is carried on, even to the manner and method by which the nation is to be governed, after such violence acted upon the person and authority of the king: And this confederacy is extended even to the devolving of the sovereign power upon the House of Commons, sitting the parliament, and upon the major part of the members of both houses subscribing this association, after the prorogation or dissolution thereof: And they never to recede, upon any consideration whatsoever. So that here's a king deposed, a monarchy destroyed, a commonwealth erected, a free

people enslaved, and all in a trice, by the help of this pious union, if ever it should come to take effect: And in conclusion, the supreme power vested in the two houses to perpetuity. This is the fairest construction that can be made on it, for though the paper calls it the present parliament in a compliment, it is only the House of Commons in effect.

Now look back upon the whole, and take notice how frivolous all those colours and pretensions are, that have been produced, either in favour or excuse of this paper. (We the knights) do declare and swear, that what we cannot compass in a parliamentary way we will endeavour to bring about by force of arms. Here's the very constitution of parliaments overthrown at a dash; and, pursuant to this resolution, so many members that were chosen and entrusted to serve their countries, and, as much as in them lay, to uphold and maintain the laws of the land, and the liberties of the people, have now propounded to set up themselves by this project, without either king or House of Lords, as a standing committee, and to exercise an arbitrary power over their fellow-subjects, to the subversion of the common rights, and in defiance of the fundamental privileges of king, parliaments, and people. So much for the pretended project of a bill.

Now to this scheme of an association for a defence against a popish king. The paper begins with exclamations against a popish plot, and concludes in an oath of conspiracy against a protestant prince. It begins with a pretended tenderness for religion, and ends in a peremptory sentence and determination of state. For fear of a popish king, here's a certain provision that we shall have no king at all; and under pretext of opposing an arbitrary power in the crown, here's an expedient offered, (as for the avoidance of it,) by swearing allegiance to the unlimited will and pleasure of a committee of disbanded members of our own fellow subjects.

But this is no more, they say, than was propounded and debated in the House of Commons. There was an address of the commons, it is true, bearing date May 10, 1676, (that his majesty would be graciously pleased to give order for raising the militia, and keeping it for some certain time,) and the lords were afterwards reminded of it; to which, as I remember, his majesty's answer was, That he would not part with it, so much as for an hour; but here was no associating to take possession of it by force, in case it should be refused.

It is true likewise, that the commons, December 15, 1680, passed a vote that a bill should be brought in for an association of all his majesty's protestant subjects, &c. And that upon the one-and-twentieth of the same month, they presented an address to the king, desiring therein, that his majesty would be graciously pleased to assent to an act, whereby his majesty's protestant subjects might be enabled to associate themselves for the defence of his person, &c. Which very word (enabled) imports a concession, and acknowledgment, that without the king's passing such a bill, they had no right to authorise such a combination.

But that which has misled people into a mistake, so derogatory to the honour of the House of Commons, I presume may be this: There were several questions put by the foreman of the jury, first to Mr Gwin, and afterwards to Mr Secretary Jenkins, that carried some sort of countenance, as if, This association had been debated, and this very paper read in the House of Commons. It is a short passage, and I will recite it, as you will find it in the printed proceedings, page 34.

Foreman. Do not you know, sir, there was a discourse in the parliament of an association?

Mr Gwin. Sir, I was not of the last parliament, I know nothing of it.

Foreman. You have not heard then that there was such a thing in parliament concerning an association?

Mr Gwin. I have heard of an association talked of.

Foreman. Mr Secretary, I would ask you some questions, if you did not know of a debate in parliament of an association?

Mr Secretary. I was not present at the debate; but there was a talk in town of an association.

Foreman. Did not you hear of it in parliament?

Mr Secretary. Indeed, there was an answer to a message from the House of Commons, that had something in it did strongly imply an association; but this particular association I do not remember to have heard proposed.

Foreman. Do not you remember in the House of Commons, sir, it was read, upon occasion of that bill?

Mr Secretary. I heard such a thing spoken of; but at the reading of it I was not present, to the best of my remembrance.

I know nothing to the contrary, but that the form of this vow and protestation, (meaning the three first clauses of it,) might possibly be read in the house; but to imagine, that the honourable House of Commons would ever have endured the starting of a project to over-turn the very foundations of government, were to do them the greatest indignity in the world. The late usurpers themselves were half through the rebellion before they arrived at that degree of boldness. If any man should interpret these glancing interrogatories in such manner as to take this project for an act of the house, the jesuits themselves could not have done the popish plot a greater piece of service, than the promoting of such an error as might create a jealousy of treason within those walls; but on the other side, there may be scandals taken as well as given.

If it were not for tiring of you out, I could shew ye the originals, both of this draught and design, and trace the very footsteps of our reforming heroes, from his majesty's most dutiful and loyal subjects, with their outcries of plots and popery, and eyes and hands lifted up unto the Lord in a holy covenant; to the severing of his majesty's sacred head from his body upon a scaffold; but it is too copious a theme, and there needs no more than dipping any where in the records of the late times to finish the parallel.

There remains yet another abuse to be cleared, wherein they impose upon the people, that this association is founded upon the same grounds and considerations with that of the 27th of the queen. You will better judge whether it be so or no, upon a view of the instrument itself, and some few remarks thereupon.

The Instrument, or Writing of Association, that the Protestants of England entered into 27 Eliz.

" Forasmuch as Almighty God hath ordained kings, queens, and princes, to have dominion and rule over all their subjects, and to preserve them in the possession and observation of the true christian religion, according to his holy word and commandment; and in like sort, that all subjects should love, fear, and obey their sovereign princes, being kings or queens, to the utmost of their power; at all times to withstand, pursue, and suppress all manner of persons that shall by any means intend and attempt any thing dangerous or hurtful to the honour, states, or persons of their sovereigns:

Therefore, we whose names are, or shall be subscribed to this writing, being natural born subjects of this realm of England, and having so gracious a lady, our sovereign Elizabeth, by the ordinance of God, our most rightful queen, reigning over us these

many years with great felicity to our inestimable comfort: And finding lately, by diverse depositions, confessions, and sundry advertisements out of foreign parts from credible persons, well known to her majesty's council and to diverse others, that for the furtherance and advancement of some pretended title to the crown, it hath been manifested that the life of our gracious sovereign lady Queen Elizabeth hath been most dangerously exposed to the peril of her person, if Almighty God, her perpetual defender, of his mercy, had not revealed and withstood the same; by whose life, we and all other her majesty's true and loyal subjects do enjoy an inestimable benefit of peace in this land; do, for the reasons and causes before alledged, not only acknowledge ourselves most justly bound with our lives and goods for her defence, in her safety, to persecute, suppress, and withstand, all such intenders, and all other her enemies, of what nation, condition, and degree whatsoever they shall be, or by what counsel or title they shall pretend to be her enemies, or to attempt any harm upon her person; but do further think it our bounden duties, for the great benefit of peace and wealth, and godly government, we have more plentifully received these many years, under her majesty's government, than any of our forefathers have done in any longer time of any other her progenitors, kings of this realm,

To declare, and by this writing make manifest, our bounden duties to our said sovereign lady for her safety. "And to that end, we, and every of us, first calling to witness the name of Almighty God, do voluntarily and most willingly bind ourselves, and every one of us to the other, jointly and severally, in the band of one firm and loyal society: And do hereby vow and promise, by the majesty of Almighty God, that with our whole powers, bodies, lives and goods, and with our children and servants, we, and every of us, will faithfully serve and humbly obey our said sovereign lady Queen Elizabeth, against all states, dignities, and earthly powers whatsoever; and will, as well with our joint and particular forces during our lives, withstand, offend, and pursue, as well by force of arms, as by all other means of revenge, all manner of persons of what state soever they shall be, and their abettors, that shall attempt any act, counsel, or consent to any thing that shall tend to the harm of her majesty's royal person, and will never desist from all manner of forcible pursuit against such persons, to the utter extermination of them, their counsellors, aiders, and abettors.

"And if any such wicked attempt against her most royal person shall be taken in hand and procured, whereby any that have, may, or shall pretend title to come to this crown, by the untimely death of her majesty, so wickedly procured, (which God for his mercy sake forbid,) may be avenged, we not only bind ourselves, both jointly and severally, never to allow, accept, or favour any such pretended successor, by whom, or for whom, any such detestable act shall be attempted or committed, as unworthy of all government in any christian realm or civil state;

"But do also further vow and protest, as we are most bound, and that in the presence of the eternal and everlasting God, to prosecute such person and persons to death, with our joint or particular forces, and to act the utmost revenge upon them, that by any means we or any of us can devise and do, or cause to be devised and done, for their utter overthrow and extirpation.

"And to the better corroboration of this our loyal band and association, we do also testify by this writing, that we do confirm the contents hereof by our oaths corporally taken upon the Holy Evangelist, with this express condition, that no one of us shall, for any respect of persons or causes, or for fear or reward, separate ourselves from this association, or fail in the prosecution thereof, during our lives, upon pain of being by the rest of us prosecuted, and suppressed as perjured persons, and public enemies to God, our queen, and to our native country; to which punishment and pains we do voluntarily submit ourselves, and every of us, without benefit of any colour and pretence.

" In witness of all which promises to be inviolably kept, we do to this writing put our hands and seals; and shall be most ready to accept and admit any others hereafter to this society and association."

You may now be pleased to compare this association with the other, which pretends (effectually) to write after this copy. You have in this an ample and a solemn acknowledgment of sovereign power in the queen, and indispensible obedience in the subject. But in the other, not only a disclaimer of the king's authority, and the subjects duty, (unless his majesty will comply with whatsoever his people shall impose upon him,) but a total abdication of his imperial power, and a vow of conspiracy to oppose him by force, and set up an inconsiderable part of the people, masters of the government.

You have here an association to defend the queen against any pretender whatsoever upon a false title. The other is a conspiracy for the destruction, even of the present king, because he will not consent to the dispossessing his brother of a just and legal title both before God and man. This engagement extends only to a remote prospect of injury to the crown, with a resolution to employ violence when the occasion requires it, and not before; but the other is a confederacy to offer violence to the crown themselves; and to embroil the nation forthwith in a civil war, upon a pretended fear of danger at a distance. This is a combination against the queen's enemies, with her royal approbation and consent. The other is a confederacy against the king's brother and his friend, and against his majesty's approbation and consent. The one, in short, is for a submission to a lawful authority, the other for the final and irreparable extirpation of it. To conclude, whoever lays both ends together of this late association, will find, that it begins in the name of God, for the preservation of religion, and ends in the devil's name, with the total extinction of king and government.

A modest Vindication of the Earl of Shaftesbury: In a Letter to a Friend concerning his being elected King of Poland.

Many of the tory satires and libels against the Earl of Shaftesbury are founded upon an allegation, that he had been proposed as a competitor for the crown of Poland, at the vacancy occasioned by the death of John Sobieski. Hence Dryden terms his celebrated satire against this statesman, the Polish Medal. The following piece, remarkable for its vein of ironical humour, turns entirely upon this idle story, and perhaps had no small share in giving it currency.

AT a time when the eyes of all Europe are directed towards the event of our present affairs; at such a time as this, when the balance of our public safety seems so equally poised, that it is hard to guess in which scale lies our happiness or ruin, I think it my duty, as an honest man, a true subject to the government I live under, and a friend to truth, to give you (since you so earnestly have requested it) my just and impartial

sentiments of our present condition, as it particularly relates to the Lord of Shaftesbury now under confinement in the Tower.

This great man, (I cannot but call him so) this immediate first mover (as some would have it) of all the dreadful revolutions that, perhaps, of late years have seemed to threaten us, will nevertheless appear to you, by the following relation which I am to give you of him, a man as very extraordinary in his abilities, so no less wonderful for his virtue; not to mention his unshaken obedience to every government he has been concerned in or lived under; his steady adherence to every religion that had but hopes to be established; his unwearied endeavours for the restoration of the public peace, in the time of our late unhappy troubles; his admirable counsels all along for the improvement of the common good of the kingdom, the honour and safety of the monarchy, the success of our arms, and the overthrow of our enemies.

His obedience to the government is sufficiently evident, insomuch, that That never changed, but He did: his endeavours for public peace are eminently notorious: For in the late civil war (in spight of all obligations of honour and loyalty to the contrary) he forsook the king, and carryed over his regiment to the parliament, on purpose (as much as in him lay) to weaken the royal cause, and by the ruin of that, to bring that war to an end, that no more rebel blood might be shed, though the great martyr's veins were drained afterwards without mercy.

So much he then acted for public peace: but what he has advised for public good would fill a volume up. Who can enough commemorate the shutting up of the exchequer, to put the king out of debt? The breaking of the triple league, to prevent the growth of France; the dividing of the fleet that we might be sure to beat the Dutch, though in the end it cost us a victory; yet certainly his meaning and foresight in it was to preserve the shipping and the tender lives of the subject?

Then for the honour and safety of the monarchy; none so sincere, so steady, and so faithful as he has been; for the honour of the king, witness his late speech in parliament, afterwards printed, and burned by the common hangman; and for the safety of the king, witness the cause of his present imprisonment: but for the public safety, what honours he has despised, what promotions neglected, will appear in the following relation, which certainly the world will never question the truth of, since the main of it has been taken from his own mouth, that perfect index of his heart and oracle of truth.

In a late paper, printed for the vindication of this matchless patriot, the reader will find many and extraordinary instances of preferments and honours, which this noble peer has waved and refused, rather than suffer himself to be bribed from the interest of the common good: but what he has merely lost in tender pity and compassion to this poor kingdom of England, and its true protestant religion, ought to be remembered as long as there is a scepter swayed in Poland, or the Turk unconverted.

I suppose there are very few in this kingdom that do not very sensibly remember the late inter-regnum in Poland, and how many illustrious candidates stood fair for the election: Sobieski indeed had done great things for that people; he had kept their potent enemy, the Turk, from entering any farther upon their frontiers; was great and popular in the esteem and love of the best army that perhaps they ever had; but that was by much too little to entitle him to the succession on the throne; it appearing absolutely the interest of that nation, that the great Turk was not only to be beaten, but he must, in short, also be converted: and who so fit for such an enterprize as he that next should be promoted to the regal authority? One that, from the high place he was to possess, might not only administer justice to them, but salvation to the greatest part of Asia.

To find out such a spirit, one fit for so great and extraordinary an undertaking, you may imagine the wise diet omitted no diligence: The constitutions of all the governments in Europe were looked into, as they stood qualified both in church and state;

and whence was it so proper to expect a law-giver, such an oracle as they then wanted, but from the best modelled government, and best disciplined church in the world? Therefore, upon strict enquiry, France appearing too despotic, Spain too uncertain and irregular, Holland absolutely anti-monarchical, and few or no cheese-mongers in it fit to make a monarch of, Germany too near them; and that if once they ventured upon a king from thence, the emperor, upon every like occasion, might be imposing one thread-bare prince or other upon them to ease his own people: For you must note, that in Germany princes are quartered upon provinces, as regiments were in England upon corporations in the time of rebellion, and are indeed the great grievance of the country.

Upon these considerations, you may imagine, quickly the eyes of the whole diet were cast upon little England; and there, upon whom so soon as the little lord of Shaftesbury? Polish deputies were immediately sent post *incognito*, with the imperial crown and scepter in a cloak-bag to him. Old Blood[1] smelt it from Bishopsgate-street, where they alighted, to his lodging; and had it not been for an old acquaintance, and ancient friendship between King Anthony the elect, (for now I must call him so) and himself, I am credibly informed, he had laid an ambush for him at the Cock alehouse by Temple-Bar, where some thirty indigent bullies were eating stuffed beef, helter skelter, at his charge, on purpose to stand by, and assist him in carrying off the booty.

But Heaven (which, I hope, has ordained, that no crown shall ever suffer damage for King Anthony's sake) took care to preserve this: for the sinister designs of the old Irish crown-monger being yet to be doubted, this prudent prince (as I am told) having tryed and fitted it to his head, carefully sent it back again by a trusty messenger, concealed in the hulk or shell of a Holland cheese, taken asunder merely for that purpose, and cemented together again by an art fit for no man to know but a king presumptive of Poland.

All things thus prepared; his election being carryed in the diet so unanimously and so *nemine contradicente*, that no man to this hour ever heard of it but himself; it is not to be imagined how this little Grigg was transported with the thoughts of growing into a leviathan; he fancied himself the picture before Hobb's commonwealth already; nay, he stopt up his[2] tap (as I am told) on purpose that his dropsy might swell him big enough for his majesty, and of a sudden grew so utter an enemy to all republics and antimonarchical constitutions, that from that hour he premeditated, and laid the foundation of a worse speech than that famous one which he uttered once in our English senate, entituled *Delenda est Carthago.*

But now, upon deliberate and weighty consideration of the great charge he was to undertake, many difficulties, and of an extraordinary nature, seemed to arise. A protestant king being elected to a popish kingdom, great were the debates within himself, which way he was to steer his course in the administration of his government, so as to discharge his conscience, as well in respect of the case incumbent upon him of the souls of his people, as of the protection of their properties and persons.

The Great Turk, you have heard before, was to be converted. Now to bring so mighty a potentate over to the church of Rome seemed utterly destructive of the protestant interest, which he has always been so violent a champion for; therefore it is resolved, protestant (and true protestant) the Ottoman emperor must be, or nothing.

[1] Famous for stealing the crown out of the Tower, and many other similar exploits. See his life, among the Miscellaneous Tracts of this reign.

[2] This conceit of the tap is explained by the writer of Lord Shaftesbury's Life in this manner:—"When he was sent by the convention to Holland, as one of their commissioners, to invite home the king, he was overthrown in a caravan, and received a dangerous bruise between the ribs: This, in process of time, produced an ulcer, and laid him under a necessity to have his side opened, which was done in the year 1672, while he was yet chancellor, with so much hazard, and so much success, that it was esteemed one of the greatest cures that ever was performed." Shaftesbury was compelled, from this accident, to wear a silver pipe for discharging the humours collected in the abscess.

But how (when that was done) to establish the same church in his own dominions? There was the great question. Whereupon, after due consideration, he resolved, at his taking possession of that throne, which stood gaping for him, to carry over from hence such ministers, both of church and state, as might be proper to advise, assist, and support him, in a design so pious, though so difficult.

Immediately therefore he proceeds to the drawing a scheme of the whole ministry of his government; and in a large scrowl, whereon was indorsed, in text letters, this magnificent title; *Arcana Imperii* Poloniensis *sub Regno Augustissimi Principis* Anthonileski Ashleiski *primi Dei Gratia istius Populi Regis, &c.* was contained a list of all the great officers of the crown, and of his household, which (according to the best light I could get into the matter) was as follows:

[1] Seignioro *Roberto Howardensko,*[2]	Our Chancellor.
——— *Eskricski,*[3]	Our Treasurer.
Slabberigund Kentelaus,[4] *Tarsallan Huntingtonierkew,*[5] *Jalouxien Greyoski,*[6] *Whiggund Arronowitz,* *Loyallin Mordantaiko,*[7]	Privy Councellors, and lords of our bed chamber.
Braggardo Maclesfeildowski, and his two sons,[8]	Admiral of our fleet, at present under an embargo.
Thomazo Armstrongeyland,[9]	Generals of our army.
Seigniori Newportoski,	Captain of a troop of tolerated banditti, to raise arbitrary contributions.
Fidelio Porterewski,	Comptroller of our household, and master of our ceremonies, to shew his civility on one hand, and his justice on the other.
Richaiski Coolaiski, and his friend, *Willisko Herbertensko,*	First groom of our bed-chamber, though we suspect him for little better than a spy to the pope.
Tom Merrayo,	Secretaries of state.
Suffolkin Feltonaiko, *Griffinceper,* surnamed *the clown,*	Clerk of the council.
Boobyan Bridgesmund, *Slowchero Postenowitz,*	Masters of the horse and dog-whippers by turns.
Don Stephano Volponiester,	Concealed politicians and counsellors, under the character and livery of our chair-men.
Prince Prettyman Perkinoski,[10]	Another under the disguise of a footman, but designed paymaster of our army.
	Our adopted heir, because a little wiser than our own son, and designed to be offered to the diet for our successor; his present employment (together with the assistance

[1] Persons supposed to be of the Shaftesbury faction, and whose names for the most part are too significantly indicated to need any explanation. The most remarkable may however be noticed.

[2] Sir Robert Howard, son of the Earl of Berkshire.

[3] Lord Howard of Escrick, afterwards an evidence for the king against Russell and Sidney.

[4] The Earl of Kent. [5] Lord Huntingdon, the well-hung Balaam of Dryden's Satire.

[6] Lord Gray, whose wife is said to have intrigued with Monmouth.

[7] Lord Mordaunt, one of the petitioning lords, as were all the above.

[8] Sir ——— Macclesfield.

[9] Sir Thomas Armstrong, afterwards executed,—a man of loose character and habits.

[10] Duke of Monmouth, called Perkin by the tories. There was a story of his curing the evil.

of the princess his sister) is to cure the plica or king's evil of this country, in case our own majesty should fail of that virtue.

Slingibeski Betheliski, Chief headsman of Warsaw.[1]

Francisco Turnspitanski, Esquire of our body, in case he will promise not to sell his place.

The Valiant Russillaus, Captain of our guards, and knight of the halter, a new order to be instituted at our coronation.[2]

Cappellanoff le Grandi, Intended viceroy of the first kingdom our general shall conquer.[3]

Madona le bella Croftesia, } Lady Abbesses for two protestant nunneries,
Poultneyinda la Pruda, } to be established for the use of us and our ministers.

Everardo Fitz-henerisko, To write libels against us by our own consent, to bring us into favour with our people.[4]

Jean Drydenurtzitz, Our poet laureat, for writing panegyrics upon Oliver Cromwel, and libels against his present master, King Charles II. of England.[5]

Tom Shadworiski, His deputy.[6]

Sodomito Fanshawiski. Designed our ambassador to the Grand Seignior, with a present of protestant handsome boys, in order to his conversion.

This was the best account I could possibly get of the matter. There were indeed a great many more nominated to offices and preferments, but, not being able to gain a perfect catalogue of them, I have contented myself with barely a recital of such things as, upon my own knowledge, I dare recommend to the world for truth; and that, to the best of my remembrance, I have exactly observed in the foregoing relation.

But, in the very height of all this expectation, one night, as his majesty-elect lay musing in his bed, restless with the thoughts and expectation of the approaching empire, there appeared to him, by the light of a lamp that was burning in his chamber, a dreadful and most monstrous vision; the shape and figure of it was very confused and irregular: sometimes it looked like the whore of Babylon, naked, and of immense privities. Presently, in the twinkling of an eye, the form was changed, and it appeared like a justice of peace strangled by a crew of ruffians, who afterwards ran him through the body with his own sword, that it might be thought he hanged himself. Of a sud-

[1] Slingsby Bethel, while sheriff, was insolent to those who suffered for the popish plot. When Lord Stafford, on the scaffold, prayed him to compose the tumult of the rabble that he might die in peace, the sheriff replied, brutally, "We have orders to stop no one's breath but yours."

[2] Lord Russell, in the case of Lord Stafford, questioned the king's power to commute the punishment of treason into decapitation. This Charles did not forget when Russell himself was under sentence: "He shall find," said the king, "in his own case, that I have that power which he denied me in that of another."

[3] Capel, Earl of Essex, whose discontent is said to have arisen from his not being named lord-lieutenant of Ireland.

[4] Everard and Fitzharris were concerned in drawing up a libel against Charles; but the latter, less fortunate than preceding witnesses and libellers, had the mischance to be hanged.

[5] Dryden soon after cleared himself from the charge of disaffection, by writing Absalom and Achitophel and the Medal, but was then supposed to be engaged against the court.

[6] Thomas Shadwell, the dramatic author, satirized by Dryden under the name of Og.

den it was altered again, and seemed a troop of [1] pilgrims, armed with black bills, that came from the Lord knows whence, landed the Lord knows where, and are gone the Lord knows whither. His majesty seeing it vary so often and so terribly, (calling up all the faith he had to his assistance) boldly demanded, In the name of, &c. what art thou? Instantly, after a terrible clap of thunder, attended with several flashes of lightning, it contracted itself into the shape of a doctor of Salamanca, and in an hideous tone cried out, "I am a plot; woe to England; farewell till 78," and vanished. No sooner was it gone, but a stupid amazement seized upon the majesty of Poland, and cast him into a deep sleep, where he lay till morning; when, awaking, he found himself stript of all the high aspiring thoughts that before had filled his mind; pity and compassion towards his native country utterly cooled his ambition; and from that moment he laid by all thoughts of converting the Turk, and resolved to stay at home for the confounding the pope.

Thus has this good man (for now he is no more his majesty) again refused the greatest promotion that, perhaps, any subject of England was ever raised to, merely to stand in a gap here, and stay the plague that was coming upon us.

Sir, what justification of him may be gathered from the truth of this, and his present condition, I leave to your better judgment, and subscribe myself

Your humble servant, &c.

A List of Abhorrors, or the Names of such Persons as were lately under Custody of the Serjeant-at-Arms, for Abhorring and other Misdemeanours.

The petitioners are those who called upon the king, by petition, to summon the parliament. These applications were highly displeasing to Charles, whose followers, to balance them, made equally violent addresses, expressing their abhorrence of tumultuary petitions. Almost every county and town was thus divided into Petitioners, and Addressers or Abhorrers, as they were sometimes called. The former experienced, on occasion of presenting their petitions, the royal frowns; while the latter were, in a very summary manner, committed by the House of Commons to the custody of their serjeant. This arbitrary course was ended by the refusal of one Stowel to submit to their arrest, which contempt the House was fain to pass over, by voting that he was indisposed. Charles was much alarmed at petitions so similar to those which had been the prologue to the troubles in his father's time, and was wont to say, "They may beat out my brains, but they shall not cut off my head."

Sir Robert Yeomans.
Mr Harnage.
Mr Joseph Pagett, } Clerks.
Mr Rich. Thomson, }

Mr John Hutchinson.
Mr Hen. Waldron.
Mr Tho. Warre.
Mr Edw. Strode.

Sir Thomas Holt.
Mr Arth. Yeomans.
Mr Willi. Jordan.
Mr John Lawes.

[1] See Oates's Discoveries of the Popish Plot.

Mr Edw. Brett.	Mr Tho. Hertbert.	Mr Hen. Aulnet.
Captain Castle.	Mr Tho. Staples.	

These are the contents; the chapter follows.

Magna Charta, cap. 29. No freeman shall be taken, or imprisoned, or be disseized of his freehold, or liberties, or free customs, or be outlawed, exiled, or any otherwise destroyed. Nor we will not pass upon him, nor condemn him, but by lawful judgment of his peers, or by the law of the land, &c.

5 *Edwardi III. cap.* 9. *Item,* It is enacted, That no man from henceforth shall be attached by any accusation, nor fore-judged of life or limb, nor his lands, tenements, goods, or chattles seized into the king's hands against the form of the Great Charter, and the law of the land; that is, according to the statute 25 *Edwardi III. cap.* 4. by indictment, or presentment of good and lawful people of the same neighbourhood, where such deeds be done, in due manner, or by process made by writ-original at the common law.

28 *Edwardi III. cap* 3. *Item,* That no man, of what estate or condition that he be, shall be put out of land or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law.

Fiat justitia et ruat cœlum.

If any man be dissatisfied with the coherence of the contents and the chapter, let him read the Lord Chief-Justice Coke's Institutes, part 2. chap. 9. upon Magna Charta.

This may be printed to prevent false reports, the fact and law being both true.

I do appoint Mr Benjamin Harris[1] to print this, that it may appear to all true English protestants that he once printed truth.

G. T.

A Letter from a Person of Quality to his Friend, about Abhorrors and Addressors, &c.
1682.

From the answer, reply, rejoinder, and reduplication which took place upon this letter, and which follow it in the collection, it would seem to have made a great impression when first published. From several passages it would seem, that the antagonist considered the piece as proceeding from the pen of Shaftesbury himself. This, however, is denied on the other side; but it was probably written under his eye, and corrected by him.

The crisis at which it was written was of the utmost importance to both parties. Shaftesbury was no sooner liberated from the Tower by the verdict of *ignoramus*, than, to counterbalance the triumph which his party had obtained, the tories, in the principal towns and counties of Eng-

[1] Benjamin Harris figures as the great whig publisher of this age of controversial pamphlets. Most of the accounts of the plots are printed for this bookseller.

land, thronged to the crown with addresses, expressing in the strongest language their abhorrence of the principles contained in the model of association found in Shaftesbury's closet, and produced on his trial.

"The immediate effect," says Ralph, "of this second round of addresses, was one of the sharpest and rudest controversies that ever disgraced the press, or amused the people; for the experiment had no sooner began to operate, than a paper was published under the title of A Letter from a Person of Quality to his Friend, about Addressers and Abhorrers; in the former part of which, the success it met with is ascribed solely to the artifices of the court, the practices of the clergy, and the ambition, servility, depravity, corruption, and prejudices of the gentry; and, in the latter, it is asserted, that the paper called the Association, which was thus pelted at, was a man of straw of their setting up: That Gwyn, who pretended to find it, was Seymour's creature, and Shaftesbury's known enemy; and that all the papers reserved at council were marked by his lordship's agent Wilson or Starkley, whereas this was marked by neither. The drift of all was to dissuade persons from shewing any countenance to this device, and concluded with these words: 'But you are not to set your helping hand to these things; there is a God above that will certainly enquire after such matters: And, if you have patience but a while, the wicked that thus prosper, their place shall know them no more.'

"It happened, unfortunately for the party that this paper was calculated to serve, that it abounded more with resentment than discretion. It charged the greatest part of the nobility and gentry with having lost their senses; it said that many of them had been corrupted by a vile and sordid education under the clergy; it said that without the help of university learning it was not possible to imagine how the protestant religion could be preserved under a popish prince; and it called upon the person to whom it was addressed to consider, when it should become notorious that all honours and advantages were conferred upon none but the duke's creatures, how long the dissolute and drunken part of the nobility and gentry would hold out as confessors for the protestant church of England. Whoever uses ill language in a controversy that regards great numbers of men, is sure to have the whole hive about his ears; and serves his adversary more by his indecency, than he hurts him by his inferences. This was no secret to those who undertook to answer this; and they accordingly brought forward all those broad and coarse expressions, accompanied with suitable remarks, and thereby more advantaged their cause than they could have done by ever so clear a deduction of facts, or ever so strong a chain of arguments."—Ralph, I. 670.

Sir,

I received yours of the sixth of January, and find your bishop and lord-lieutenant are carrying on very furiously an address of abhorrence of the association, pretended to be found amongst my Lord Shaftesbury's papers, and of *ignoramus* juries. I find you also are afraid not to be thought a loyal subject, or a good son of the church if you do not join in it; and therefore you are pleased to ask my judgment, whether the signing of it can be of as much prejudice to you as the refusal evidently will? If I shall answer you according to the rule of the apostle, "Let every man speak truth to his neighbour," you must expect plainness and freedom in my reply, without which you may have flattery, but cannot possibly attain advice. As for your gentlemen of quality and estate, that you find generally go these high-ways, and call it the support of the monarchy and the church; when you consider how many of them have been secretly converted to the Romish faith, and remain as yet church-papists; how many of them gape after honours and preferments from the court; how many the power and dominion in their own country, and the retaining the office of deputy-lieutenant, or justice of peace, does enslave; and how many the sordid and vile education they have had under the clergy does corrupt, you will not wonder that the yeoman and plain countryman hath kept his senses, when the greatest part of the nobility and gentry have lost theirs. Are there so blind a generation as they that do not see how deeply the churchmen have repented their departing from Rome? and how fixed they are in resolutions and interests to return back again upon the first opportunity. Is it possible for

a man without the help of university learning to imagine the protestant religion preserved under a popish prince, that shall not only have the nomination of bishops in his own time, but hath had that and most church preferments in his predecessor's? Consider, when all places are and shall be given, and all honours and advantages conferred upon none but his creatures, how long the dissolute and drunken part of our nobility and gentry will hold out as confessors for the protestant church of England! The steadiness of these worthy gentlemen, and the reliance that men of honour or worth can have upon them, cannot be better demonstrated than by the great zeal, and true care of their religion and country, expressed by Sir William Portman, Sir Nathaniel Napper, and several others of the last Oxford parliament, in their vigorous carrying on the bill against the Duke of York; and yet no sooner sent home into their own country and dissolved, but they address against themselves, calling themselves little less than rogues and traitors, and acknowledging the king's great justice and wisdom in sending them packing.

I would ask you, Should a popish prince hereafter have a desire to hang any man that was too busy in the protestant cause, whether he had more to do than to make a beggarly, necessitous, or bigot gentleman sheriff of that county, and send down his private orders to the lord-lieutenant, who shall return a grand jury of lieutenants and ensigns that shall never find *ignoramus;* and a petty jury of serjeants and corporals, before whom Irish witnesses may be believed; especially if care be taken that the lord-lieutenant be so good a churchman as to take his tutor in the university for governor of his affairs and fortune ever after?

I would only ask you seriously, Whether, without the experience you have had of this age, you could have imagined the gentry thanking the king, and addressing to him for dissolving a parliament, and acknowledging his majesty's goodness in promising to govern by parliaments, when, in several years of the greatest distress and danger of the nation, they have been dissolved and prorogued so often without their advice taken? Could you have supposed a judge of this land, bringing an address from Hereford, and Sandars, an eminent man in the law, bringing another from himself and his companions, [1] directly contrary not only to the law of the land, but to the law of all nations, common sense, and reason? They tell you of a paper called an Association, found amongst my Lord Shaftsbury's papers; this they set up as a man of straw, and fight against it; and it is resolved that addresses shall go round the nation to this purpose. What can this mean but to persuade the world that the protestants have yet a plot, which hath been attempted so often by the popish and arbitrary party to be made believed. But if these gentlemen have read the proceedings at the Old Bailey, published by authority, of that matter, which is in many places short of and different from the truth; yet that tells the world, and them that read it, that it was not possible for the judges, as well as jury, to think the Earl of Shaftsbury guilty. We have always accounted the said earl among the statesmen of the age, but we must put him into the idiots college, if we can suppose that he should make so infamous and mean persons his counsellors, and talk treason so freely to them. Booth, the most known and

[1] "Some of the Middle Temple, headed by Mr Saunders, one of the council against Lord Shaftesbury, went so far as to declare, That they thought themselves, by reason of their profession, more obliged than others to declare it as their opinion, that the execrable paper produced against the Earl of Shaftsbury contained most gross and apparent treasons, more manifestly tending to the ruin of his majesty's dominions than the old hypocritical solemn league and covenant; and that whosoever promoted that rebellious association, designed by the said paper, or countenanced the same by refusing, upon full evidence, to find bills of indictment against the authors and promoters thereof, &c., had, in a high measure, perverted the laws; and could have no other design thereby than to usurp to themselves an arbitrary and tyrannical dominion not only over his majesty's subjects, but over his majesty also."—Ralph's *History*, I. 669.

scandalous villain the north-country hath of late years bred, is at first dash admitted to the earl's secret councils, who discovers all his designs to him, and yet he was to be but a single trooper, that procured no other man to the party. The king and the government have no reason to apprehend any danger, if the wisest of those they suppose their enemies manage affairs at this rate. Dennis is to raise all his name, Irish papists, for the defence of the protestant cause; and if the old native popish Irish will be for a commonwealth, the Earl of Shaftsbury engages they shall get their lands again; so kind is he to the papists, to out his best friends that are possessed of them.

As for their paper called an Association, 'tis truly their own, and of their own making. Mr Gwyn, a Yorkist, a creature of Mr Seymour, an enemy to the Earl of Shaftsbury, comes by force into his house, demands the keys of his closet, carries with him several other persons of his own party, where they did what they pleased; and though the Earl of Shaftsbury desired they would shew what papers they took, and that a list might be agreed on, yet they refused it; besides, all the papers they reserved at the council were marked by the Earl of Shaftsbury's agents, either by Mr Wilson or Mr Starkey; this only was marked by neither. And Mr Blathwait refused to give a list of those papers which they kept. But if the paper were really found in the Earl of Shaftsbury's closet, does Mr Sandars, the great lawyer, think that it did affect him with treason, or that the grand jury could have found a bill upon it; or why did he, that had a chief hand in drawing up the indictment, ground no part of it upon this paper?

But I most wonder at Mr Sandars, that, being a lawyer, he falls so heavy upon juries, and will not allow them the liberty that the law ever gave them. They are of no use to the people, if they are necessitated to obey the judge's directions; and if the wisest, wealthiest, and men of best repute of the city of London, (as these gentlemen were,) have not the liberty of finding, or not finding a bill, we should give little thanks for being governed by such law. Does Mr Sandars think they are obliged to find a bill, because four or five of the most infamous villains in the world have sworn the greatest improbabilities in nature? If so, and that it be a true doctrine, that the credibility of the witnesses is not to be considered by the jury, the Lord have mercy upon all protestants; for it is notoriously known, they may have forty Irish witnesses to any thing that may be desired against them; every day's experience shews it in that country, and they have now found their way over hither. And the popish agents are excellently skilled in supporting their evidence with English testimony, out of Newgate and the King's-Bench. I should ask Mr Sandars two questions, not whether he hath or will take the oath of supremacy, but whether he thinks the evidence was full and sufficient, in my Lord Shaftsbury's case, to cause the jury to find a bill? The other is, whether, if this paper of association, granted to be as treasonable as he pleases to make it, and to be found in this manner in my Lord Shaftsbury's study, can be imputed to my lord as any crime, or what crime it is, there being no proof that he ever saw it, read it, or conferred with any about it? But Mr Sandars hath laid aside his law, and is turned Hector for the catholic cause; hath lent his name for a job of church-work; and is to be recorded in the Paper Office for his great merit, and endeavouring to render juries useless to the people.

You cannot wonder, sir, if you find such men, and such things, every day appear more and more; there are such powerful influences on our affairs, that this popish plot must, at any rate, be made a protestant one. How many instances have we had of this these last two years, and when they will leave off, that are so well protected, God only knows; but you are not to set your helping hand to such things as these; there is a God above that will certainly inquire after such matters; and if you have patience but a while, the wicked that thus prosper, their place shall know them no more.

A Letter from a Friend to a Person of Quality, in Answer to a Letter from a Person of Quality to his Friend, about Abhorrors and Addressors. 1682.

My Lord,

For that's the style I shall presume to treat the unknown [person of quality] in, to whom this letter is addressed.[1]

Yours of the 24th past, in answer to mine of January 6th, I have had the honour to receive, wherein you are pleased to espouse the Association, and *ignoramus* juries, as if they were your own project, and your own creatures; not troubling your head about the foolish scruples that I begg'd your advice upon; to wit [the fear of losing the reputation of a loyal subject and a good son of the church;] those two points being manifestly the least part of your noble care throughout the whole paper.

Your lordship professes [plainness and freedom in your reply;—without flattery;] and you acquit yourself to admiration; for the English nobility, gentry, and clergy, were never made so many drunken sots, brainless coxcombs, rascals, and hypocrites, in such a way of openness and liberty, and under so little caution of ceremony and respect, as in this plain. free letter of your lordship's; and all [according to the rule of the apostle,] you say, [Let every man speak truth to his neighbour;] which wants only the subjoining of another text, [not using your liberty for a cloak of maliciousness.]

That which follows looks like a slip of your lordship's pen; when, in saying that [your gentlemen of quality and estate generally go these highways,] you acknowledge the majority of men of value and condition to be against you; and yet, under favour, in your fourth column, you make [the wisest, wealthiest, and men of best repute in the city of London,] to be on the other side; for which preference, many, more eminent citizens than those there in question, will con your lordship little thank. And then the expression of, These high, (you mean these arbitrary) ways, sounds a little harsh, in the case of protesting against downright treason, as if it were a less crime to associate in a conspiracy to depose the king, than to join in a resolution to defend him.

Your lordship proceeds, after this, to a distribution of these men of quality, first into [secret or church papists;] at which rate, without proving or disproving, your honour may make e'en as many papists as you please. But it is to be noted, that only our secret republicans have had the luck to discover these same secret papists.

Your second division, my lord, is into those that [gape after honours and court preferments,] which is a reproach of the same latitude with the other; but it is much better yet to serve the government, upon a prospect of interest or hope of reward, (which is the very worst of the case,) than upon a pique, for a disgrace or disappointment, to break out into transports of malice and revenge against it; of which we have had many instances, to which your lordship cannot be altogether a stranger.

Your third sort, my lord, is of [those that enslave themselves for the saving or gaining of an office or commission in their country,] which at the most comes but to this, that some would honestly maintain the power and interest that they have got,

[1] The author means to intimate that he considered the person of quality to be Lord Shaftsbury.

while others are at work, by treacherous and unlawful means, to recover the usurped power that they have lost.

Your lordship is now pleased to conclude with those that are corrupted [by a vile and sordid education under the clergy,] which relishes rather of the soul of an agitator than of a peer; for here are two thirds of the three estates struck off and blasted already, and there wants but one step more to bring all to a level, and that point comes on now in course.

You tell the world, my lord, that [the yeoman and plain countryman hath kept his senses, when the greatest part of the nobility and gentry have lost theirs.] The good gentleman at the Old-Bailey, on the night of triumph, and the little *querpo* Levite, when they waved their hats and cry'd, Shout, shout, boys, to the rabble, could have done no more themselves than this comes to: But, for a person of quality to set up clouted shoes for the oracles of law and government, turn the nobility and gentry to school in Bedlam, and reprobate the very religion of the church of England; as well as the churchmen, all in a breath, is to outdo the worst of men and of times; to introduce new articles of faith and of state; and, in effect, an appeal from the privy-council to the Bear-garden. What, with submission, could a Massianello or a Wat Tyler have said more? Wherefore be pleased, my lord, to recall your terrible sentence upon the [generality,] &c. which are no less than the lords spiritual and temporal, and commons assembled in parliament, and allow them to be men that go soberly and temperately about their business.

[Are there any so blind, (you say,) as not to see how our churchmen repent their departing from Rome, and long to be there again?] Your lordship must have better eyes than your neighbours to discover this; but it is a notion calculated for those that see nothing at all; and a kind of St Anthony's fire,[1] that is enough to infect the whole mass of the nation with schismatical scabs and tetters.

Your lordship's zeal, in the next place, for the protestant religion, must not be forgotten: [What shall we do for our sister that hath no breasts?][2] Nor your notable remark, that [without university learning none can imagine how it should be preserved under a popish prince, that chuses popish bishops, and under a king that favours that popish choice.]

As for university learning, it may do much, 'tis true, towards the maintaining a paradox; but the sophistry of a close committee is able to put Cambridge and Oxford in a bag, and prove the best reformed church upon the face of the earth to be flat popery. Happy are they, my lord, that have been brought up at the feet of these Gamaliels: But popery must down at last, under what shape soever; and then there's no more to be done, but whatsoever your lordship has a mind to put down, to call it popery; and, at any rate, *delenda est Carthago.*

Your lordship's following quære is a very bitter one, (but under a mistaken character,) [consider how long the dissolute and drunken part of our nobility and gentry will hold out as confessors for the protestant church of England:] Some grains of abatement, good my lord, for the weaknesses of flesh and blood: or, however, cast in treason, sacrilege, perjury, murder, oppression, into the other scale. Set the translation of *l'escole des filles* against a glass to the best in Christendom; a bottle extraordinary to the confusion of his royal highness, against another to his health; and, in half a word, the practice of all Martial's bawdry against the crime of understanding it. Upon this whole matter, my lord, you will need no expositor.

Your lordship is now pleased to reflect upon [the steadiness of these worthy gentlemen:] (for men worthy I presume.)[3] He that's steady to what's uppermost is as stea-

[1] Alluding to Shaftsbury's christian name.

[2] Whitlock's Memor. p. 671.

[3] In Shaftsbury's study were found two lists of Whigs and Tories, the former titled *worthy men*, the latter *men worthy*, which was said to imply, worthy to be hanged.

dy, in one respect, as he that stands firm to his honour and his duty is steady in another; and your lordship's letter shews you too much a statesman, not to make this persuasion an article of your creed.

You do well, my lord, to drive the nail of popery home to the head; and thereupon you say, That [a popish prince need but to order his lord-lieutenants and sheriffs to furnish military juries, that shall believe Irish evidence, to hang any man he has a mind to, that was too busy in the protestant cause; especially if the lord-lieutenant take a governor out of the university.] Your lordship, under correction, has made another false step here, in discovering, that your protestants are against our universities; and that your main battery strikes upon the chief supporters and administrators of the government: But yet, setting the contemplation of juries, that may, possibly, hang at pleasure, against other true protestant juries, that do certainly save at pleasure, your lordship might put into your eye what you have gotten by this supposition, and see never the worse; for we are not now to learn, that your Amsterdam, Queen's Arms, and Nag's Head juries, will do wonders.

Your lordship, perhaps, would have spared the Irish evidence, but for want of a friend at your elbow to mind you who they were that first brought them over; what instance was used for a pardon for a man of quality without a name; and a blank warrant for an unknown person of undoubted credit, to prove the plot: And this man of credit found, at last, upon further information, to have a hand in a matter of fifty or sixty murders.[1]

I shall say little, my lord, to your severe animadversion upon the addressors, in the next clause, only I wish you had not charged his majesty with abandoning his people in their greatest distresses, in the same period. The judge that brought up the address from Hereford falls next in your way: 'Tis Baron Gregory that you speak of; and I shall only refer your honour to Colonel Birch for his justification. Mr Sandars also lies under the lash for acting contrary to law; but it is not said contrary to what law.

Your lordship speaks of [the association, as a man of straw set up to fight against; and of addresses going round the nation to oppose it.] First, the proof, where it was found, clears it to be no imposture in the finders of it: Secondly, the setting up of a new scheme of government is a great deal more, under favour, than the setting up a man of straw, according to your lordship's pleasant allusion: And, Thirdly, as to going round with the addresses, what can be more reasonable than to encounter an oath of conspiracy with a band of allegiance? But [this is to persuade the people, I find, that there's a protestant plot;] and (by your lordship's leave) the other is to cast a mist before their eyes, that they should not discern the rebellious association to be a fanatical one. There's a scandal also upon [the proceedings published by authority] but nothing said either where or what. It is urged farther, that [neither the judges nor the jury could think the Earl of Shaftsbury guilty.] The judges speak for themselves in their charge; and guilty, or not guilty, was not the question before the grand jury. As to the said earl's being a statesman, his lordship has in all times, and by all people, been reputed one; and I have nothing to oppose, either to his lordship's abilities or innocence; but yet the criminating of witnesses does not at all evince the integrity of the person accused; for it many times falls out, that men of honour could speak to the same purposes if they would; but there are certain tendernesses, in the confidence of hospitality and conversation, that men will not depart from, but upon terms of the greatest necessity.

The calumnies of the next paragraph [upon Mr Gwin's forcing my lord's house, and his and Mr Blathwait's refusing my lord and his agents a list of the papers they took,]

[1] This was perhaps Captain Blood, who was at one time a plot witness.

are exposed over and over already, and every step of the proceeding made out beyond contradiction.

A good part of what remains is an expostulatory invective against Mr Sandars, and only a ventilation of popular amusements, without citing any authority, or laying any foundation, [Shall a grand jury find a bill upon the oath of villains that swear improbabilities?] Give me leave now to put it the other way: Shall a grand jury refuse to find a bill upon those circumstances, when, if that improbability should prove a truth, the king's life is lost by it? And yet again, my lord, it seems to be a plausible question, put afterwards to Mr Sandars, [How far this association, taking the matter of it, and the finding of it in my lord's study, for granted, can be imputable to the Earl of Shaftesbury?] It is utterly impossible, my lord, to answer this question, because the grand jury stifled the presentment, before it could be known whether it would affect my lord or not.

Your lordship does kindly, however, in taking notice that Mr Sandars is to be recorded in the Paper-office, and lodged among the heroes of the age; as sequestrators, decimators, committee men, Mr Baxter's Saints, noble peers, and true protestants without number, that stand registered there among the Men Worthy.

I am now coming, my lord, to the close of your letter, where you say [If you have patience but a while, the wicked that thus prosper, their place shall know them no more.] I do most humbly beg your lordship's interpretation of this passage, whether it be intended as a denunciation, a prediction, or a friendly caution; and whether this great work is to be done by fire and brimstone, a massacre, or a rebellion?

The Addresses importing an Abhorrence of an Association, pretended to have been seized in the Earl of Shaftsbury's Closet, laid open and detected, in a Letter to a Friend. 1682.

Sir,

I perceive by your's of March the 4th, that the fermentation which the nation is put into, must be cherished by the same ways and methods that it was first occasioned and caused: For should the heats and animosities among protestants be once suffered to asswage and abate, the Romish designs against the protestant religion, and the liberties of England, would not only miscarry and prove abortive; but they who have been wheedled to betray God and their country, by contributing ignorantly to the promotion and service of their ends, would be the first to express their indignation against the papists, both as an effect of their resentment, for having been, through their influence, thrown into a lunacy and delirium, and as an evidence to the kingdom that they are at last cured of their distraction. And therefore the operation and efficacy of the declaration against the two last parliaments being wholly spent, I am not surprised to find an advantage taken from a pretended paper, importing an unlawful association against the government, for the perpetuating rancours amongst his majesty's liege people, and the casting those back again into a fever, who were recovering their senses, and coming to a sedate mind: and as all men are worse upon relapses than they were of their first diseases, so we are not to think it strange, that people are more extravagant in their late addresses, than they were in the former. But there being so many

things to be said in return to your letter, and being by command confined to represent my thoughts in one sheet, I shall preface no farther, but apply myself to obey you in the most compendious manner I can.

Nor shall I pronounce that of the late addresses, which a celebrated court-author doth, concerning those made to Oliver Cromwell; namely, That they were no other than leagues offensive and defensive between him and the faction; and that while his care was for engaging one party, it was for destroying another:[1] For though some little folk, who officiously manage this affair, may have such a project, yet it is impossible that his majesty should either propose or countenance so base and destructive a design.

Nor will I say, that it had been but reasonable, that they who do embark in new addresses should have first seen the fruits and effects of their former: For whereas they seek to justify themselves in what they did, by the assurances which they suppose his majesty gave them of having frequent parliaments, though he had dissolved two or three, without giving them time to perfect those important matters which the whole nation apprehended they were called for, so it would have been some argument of the candour and sincerity of their intentions in what they did before, if they had forborne their late applications, till they had found, that they were not mistaken in the grounds upon which they think to vindicate themselves for what they then did.

Neither will I insist upon this, That it had become them to be well assured that there was such a paper, stiled an Association, found in my Lord Shaftsbury's closet, before they took upon them to talk so loudly of it, and vent themselves in so strange and unaccountable expressions upon Mr Gwyn's bare suggestion of such a thing. For as it is most certain, that it was not the foundation of my lord's apprehension and commitment, seeing the bag into which it was put, when said to be seized in his lordship's study, was not opened till after his confinement in the Tower for high-treason; so it is not impossible but that they who had the confidence to impose other things upon this noble peer in the printed relation of the proceedings at the Old-Bailey, than were deposed by the witnesses in court, might with the same liberty, and for the same end, forge and invent this paper, and ascribe it to his lordship.[2] For whereas Smith, upon giving his evidence at the bar, said, that the Earl of Shaftsbury told him he was sorry that the king saw not his danger, &c. they who undertook the communicating those proceedings to the world make Smith declare upon oath, that the said earl told him he was glad the king saw not his danger.

Nor shall I insist upon this, that it had been but congruous, and what became Englishmen, to have testified their detestation of the many late sham plots, whereby our enemies have been endeavouring to destroy loyal and innocent protestants, as well as their declaring an abhorrency of a pretended association against the monarchy; and the rather, because the forging crimes for involving guiltless persons in danger, hath been real; whereas such an association as the late clamour is raised upon, was, for what yet

[1] Memento, 2d edit. p. 29.

[2] The whig writers preserved a prudent degree of ambiguity concerning the draught of the Association found in Shaftesbury's study; for while they endeavoured to defend the purpose and principles for which it was proposed, they insinuated that it might possibly have been shuffled in amongst Lord Shaftesbury's papers by the messenger who seized them. It was said, to strengthen this suspicion, that Wilson, the earl's secretary, was employed by him to indorse all the papers which the messengers seized and carried off, and that this scroll had no such indorsement: it was even added, that Wilson himself was imprisoned to deprive Shaftesbury of the benefit of his evidence to this point. There is, however, no reason to think the paper was not actually found in the earl's repositories. Hence Dryden says, "The late copy of your intended Association you neither wholly justify nor condemn; but as the papists, when they are unopposed, fly out into all the pageantries of worship, but in times of war, when they are hard pressed by arguments, lie close intrenched behind the council of Trent; so now, when your affairs are in a low condition, you dare not pretend that to be a legal combination; but whensoever you are afloat, I doubt not but it will be maintained and justified to purpose: for indeed there is nothing to defend it but the sword; it is the proper time to say any thing when men have all things in their power."—*Epistle to the Whigs, apud* DRYDEN'S *Works, IX.* 421.

appears, only feigned and imaginary. We have seen some of the best persons in the kingdom cast into prisons, and arraigned in courts, upon malicious subornations and popish sham conspiracies; but no man can produce so much as a name subscribed to any paper, whereby to persuade himself or others of a combination against his majesty and the government. Nor can they be thought to bear any great loyalty to the king, who have not some regard for the safety of his protestant subjects, and the reformation of the protestant religion. And therefore, while some are so busy here and there to gather hands to addresses of another nature, it were but a seasonable piece of service to the king, and a duty which all law, both divine and human, will justify, for others to make an address to his majesty, that we may have the benefit and protection of his government, and that our lives and estates may be defended from the malice of those, who, by hiring and suborning mercenary villains to swear forged crimes against us, have been unweariedly designing our ruin. And as it is not to be supposed that an application of this nature would be unacceptable to the king, the end and aim of his reign being not only to look after our obedience to his law, but to see that we are kept safe from the wrath and rage of our enemies; so it would tend to the honour of London, to lead the way to others in so useful and at this time so necessary a duty.

Nor shall I do more but barely intimate, that it looks ill, and seems calculated for no good design, to find addresses for dissolving parliaments, and abhorring all associations, countenanced and promoted, while petitions for a parliament were forbidden by proclamation, and the petitioners publickly reprimanded. For, supposing that some one paper, bearing the name of an Association, was unduly framed and worded, is this a justifiable ground to ridicule and abhor every association, though never so well adapted for the preservation of his majesty's person and dignity, and promoted in a parliamentary way, and not to take till it receive the royal stamp? How strangely does it look in a well-governed state, to find such a one as the Mayor of Gl——,[1] who was admitted into the freedom of that city, for the good service which he did in fighting against Charles Stuart at Worcester, (as the words inserted in their town-book bear) to be hugged and embraced for advancing addresses of one complexion, while in the mean time many loyal gentlemen, who shed their blood, lost their estates, and underwent imprisonment and exile for the king, are frowned upon for offering to appear in applications of another figure. Men of principle act always uniformly; whereas such as are swayed by interest are ready to engage with the same heat in every thing that lies in subserviency to their gain. Some people think it not enough to atone for their former actions by their future loyalty, but they seek to expiate their crimes on one side, by running into illegal, rigorous, and mad excesses on the other. And I heartily wish that an eminent magistrate in the city of London,[2] may not hope to make a compensation for having been a clerk to a regiment in the war against the late king, by complying with and pursuing whatsoever some men about the court, or such who are influenced by those that are, put him upon. But what is this age degenerated into, that they who have served themselves of dissenters in order to their getting into places of trust, by proclaiming what blessed opportunities they have enjoyed with that sort of men under this

[1] "The mayor, &c. of the loyal city of Glocester declared before God and the whole world, that they did abominate, detest, and from their hearts abhor that most impious, devilish, and traitorous association, hatched in hell, and lodged in the hands of known and most eminent disturbers of the peace of the kingdom; an association not to be mentioned among Christians without amazement; that threatened ruin both to church and state, and had again involved us in blood, had not God of his great mercy detected it, &c. That they would give their utmost assistance and compliance to whatever methods his majesty's princely wisdom should propose and command them for the preservation of his sacred person, the most happily established government in church and state, and the legal succession to the crown, against all pretences and designs, of what sort or faction soever, to the total expence of their estates and blood."—RALPH'S *History of England, vol. I. p.* 669.

[2] This seems to be levelled at Sir John Moore, the first lord mayor of London, for some years who was in the tory interest.

and that non-conformist minister, should, instead of expressing a concern for the protestant religion, answerable to the care of it, and the stations they are in, not only abandon, but from weakness, fear, or worse principles, submit to be tools to accelerate its ruin.

However, I am sure the government hath no cause of apprehending danger either from fanatick preachers or people, seeing some of the most famed amongst them, after having been a hundred times deceived and imposed upon, are still ready to be bribed by a dinner or a smile, or wheedled by a fair word, to co-operate with their enemies, and become instrumental of their own destruction. And therefore it is to be desired, that some of the dissenting ecclesiasticks would be contented with grace, which is the talent that God hath given them, and not pretend to civil wisdom, seeing it is evident to all the world, that the great Dispenser hath withheld it from them.

These things being briefly intimated, it is now time to advance those reflections and observations, which we judge proper to be offered upon the occasion of the late abhorring addresses. Nor will it be amiss, in the first place, to take notice how some men's opinions concerning these kind of applications do alter and vary according to, and in correspondence with the design and interests which men serve. For the very person that is not only principally employed in framing the draughts which are remitted into the country, where lieutenants, justices, and curates, are commissioned to procure subscriptions to them, but whose province it is to publish their usefulness to the government, and to make the world believe what security the state receiveth from them, in order to its support, in the pursuance of present councils: I say, this very gentleman had different thoughts concerning addresses some years ago, when they came in shoals to Oliver Cromwell, and with great multitudes of hands subjoined to them, from what he now hath.

For, says he, those numerous and pretended applications, as they were but an artifice to piece up the protector's broken power, as far as well it could be, so they were but false glosses upon his power, and Cromwell was too wise to think them other. For being gained by contrivement and force, or at least by importunity, half a score pitiful wretches stiled themselves the people of such or such a county, and there was the total of the reckoning.[1]

But we may the less wonder at this change of judgment in some men, as to the significancy or insignificancy of addresses, if we consider, how much the opinion of the papists is altered from what it was ninety years ago, as to the right which the next in the royal line hath to inherit the crown after the ruling prince. For whereas we have nothing from them now, but that it is an unpardonable sin to exclude the presumptive heir, be his principles what they will, and our danger from him, in case he succeed, never so visible, they spake another kind of language towards the end of Queen Elizabeth's reign, when they foresaw that a protestant was likely after her to ascend the throne; namely, That succession to government is neither established by the law of nature, nor the law of revelation, but only by human sanctions, which men may cancel and alter as their interest determines them.[2] For though they tell us now of the indispensible obligations we are under, of submitting quietly, in case his majesty should die, to the Duke of York, albeit we cannot but think the subversion of our religion, and the extirpation of ourselves, ready to ensue thereupon, yet they were pleased to tell our ancestors, that no free people were under ties to the next of the royal line, but that they ought to put the scepter into such a one's hand, under whom they might promise themselves to live with safety and honour.

But we may the more easily pardon the papists for shifting principles according to the posture which their affairs stand in, if we will observe how the protestants of this

[1] See Mr L'Estrange's Memento, p. 30. [2] See Doleman.

age differ from those of the former, in reference to the duty of submitting to, or debarring a popish successor: For whereas heretofore not only the whole clergy, but the nobility and gentry, courtiers as well as others, derived their main arguments against Mary Queen of Scots from the danger the protestant religion would be in, if, being in their power, she were suffered to survive Queen Elizabeth: It is now come to pass, that many of all orders and ranks, who pretend themselves protestants, are not only contented that a popish prince may be dispensed with as to his religion himself, and live quietly amongst them, but they seem uneasy in having a protestant king, and long to have one of popish principles to rule over them.* How disagreeable, as to a popish successor, are the late addresses, from the petitions, votes, and acts of parliament, and the carriage of the whole kingdom in the 14th, 27th, 28th and 29th years of Queen Elizabeth? Then an association to revenge the death of the queen upon the papists, in case she came to an untimely end, was esteemed a piece of loyalty, and promoted by the chief ministers of state; but now the abhorring not only an ill-framed paper bearing that title, but all kinds of associations of this nature and tendency, if his majesty should fall by popish hands, is accounted the character both of a good subject and a true church of England man. Do we live in the same clime that our ancestors did? or doth the like generous blood run in our veins which did in theirs? Alas, by running counter to the wisdom of our fore-fathers, we proclaim ourselves a degenerate issue, and are a reproach to the memory of them who begot us, and who transmitted the protestant religion and English liberties down to us!

And as all addresses of this nature tend to render the king, who ought to reign in the hearts of all his people, the head merely of one part, and that a very inconsiderable one, if compared with the bulk of the nation, so they only serve to publish to all the world the distractions of the kingdom, and to proclaim in the face of the sun the weakness of the government. What do the foreigners say upon the perusal of our gazettes, but that either things are not managed in England according to the laws of the constitution, or that his majesty of Britain reigns precariously, seeing his ministers seek to support the transactions of state, by courting the applause of a few little folks, here and there, through the kingdom? Nor can any sort of men do the king a greater disservice, than to administer grounds to our neighbours abroad, to entertain such sentiments of us and our affairs. I tremble to think what the wisest among ourselves say of these proceedings, for though all men acquit his majesty from any intentions but what are gracious as well as just, yet they cannot but judge that some ill men are by these addresses endeavouring to number the people, and to enroll partisans for some hidden design.

But the most fatal effect and consequence of these addresses, is the depriving the king of that security which the wisdom of the parliament had provided for his person against the papists. For, as nothing is so dear to a true English parliament, as the life of their sovereign, so the best expedient which our late parliaments could think of to preserve his majesty from the dangers which he was exposed unto from the conspiracies of the Romish crew, was the proposing an association amongst the protestants to revenge his death. And as they could entertain no friendship for the king, who advised him to dissolve the parliament before that bill was prepared and past, so it is apparent, that whosoever countenanceth the abhorrence of all associations, does what in him lies to leave the king open and naked to the hellish designs of the Romish faction.

Nor is it unworthy the serious consideration of all loyal persons, how they have both provided against the revenge of the nation, and for their own establishment in power in case his majesty should be taken off; for as they have excluded all endeavours of revenging his death, by getting every thing ridiculed and abhorred that lies in a subserviency thereunto, so they have taken care for their own safety, after the perpetration

* See Bowe's Journal.

of such a villainy, by obtaining all places civil and military to be filled with such in whom they may entirely confide. And as it is not long since the King of Portugal was laid aside, and confined to the Tarcera's, so it is remarkable that it was effected without a blow, and by this more than any thing else, that there were none in publick employ but who were zealots for his brother, that supplanted him, and stept into his throne.

But are such as subscribe these addresses sensible whereabout we are, and how much the popish interest is advanced within these two years? For, hath not the Duke of York intruded himself into the administration of affairs in Scotland, without taking the oaths which the laws of that kingdom do require? Hath he not, at the same time that he caused protestant dissenters to be disturbed and apprehended, permitted mass to be said under the same roof, or at the next door? Hath he given any security to protestants there for their safety in the profession of the protestant religion, though he hath gotten himself excepted from all tests that relate to the preservation or liberty of it? Are not the papists in Lancashire arrived to that boldness, as to murder his majesty's officers in the discharge of their duty, and to rescue recusants out of the hands of those that had taken them in execution? Hath not the high sheriff of Northumberland carried 'Squire Riddel and 'Squire Claverine, and divers other papists who were prisoners for the popish plot, to Edinburgh, to kiss the duke's hand; and this both in defiance of all law and against his trust? But it would require a volume to recount all I know of this nature; and therefore shall only add, that they must be prepared to worship the Host, and wear chains, who either promote or subscribe the addresses which are now carrying on.

I am, sir,

Entirely your's.

A Second Return to the Letter of a Noble Peer, concerning the Addresses. 1682.

My Lord,

The favour you conferred upon me, to permit me to write to your honour, with a condescending invitation, occasioned that of March the 4th, directed to your hand; in which my thoughts of the numerous addresses seemed to me so plainly set down that no mistake could ensue: yet it hath otherwise happened, and your answer, although not altogether differing from my expectation, is not wholly such, nor so ingenious, as I expected. I could have wished that, as you printed the answer, you had with it published my letter which gave the occasion, that if any knowledge of the persons between whom this intercourse is used should give the world occasion to repeat our names, and descant upon our judgments, I might not appear, after so much resolute constancy, now dotish and fluctuating.

But for your whole discourse, noble peer, I must be plain in telling you, that not I, but the likeness of it to that speech you made in the House, which, being published, the hangman committed to the flames, hath published you the author; and you do so mince this association, and turn and wind it so tenderly, that it seems your own projection, and a brat so taking in your affections that every abhorrence of it is a dagger's point at your heart. You are much in labour to have it believed never to have a being, thinking that way to secure it from the zealous abhorrers; and yet, at every other turn, your fondness of it makes you break out into commendations of its pretty

features and usefulness. Indeed, your shiftings shew you to have something of a debauched modesty left, and that you are ashamed of what you so much love. My willingness to excuse what will bear it saith this of you; but the generality cry out upon your impudence, in saying, "An Association pretended to have been seized in the Earl of Shaftsbury's closet," when nothing was ever more exactly proved, nothing more unquestionable and free from dispute, nothing more defended by that lord's clientage, and even owned in the court by two of his compurgators, (for they acted such more than jurymen) who, looking upon it, said, "This is the same with that which we saw produced and promoted in the House of Commons." And, by the way, you may take notice what justice was like to be done the king, when his cause was in the hand of persons guilty of the same conspiracy; for, should they have found the bill, they had directed the attorney-general to draw up one against themselves; as truly it is to be lamented that they and all others should escape free from punishment, who in the House saw and promoted this damnable plot of association, and did not so discover it as to have the projectors and forwarders rewarded with their merited rope. The authors of such parliamentary proceedings ought to have their heads advanced to the house top, to admonish their successors of modesty and allegiance.

But to return, your title, at the first sight, made me merry with the remembrance of your lordship's and that religious party's you so diligently served, accustomed activity, that out-run their sagacity, laying open dangerous plots and designs before they were detected. As your lordship hath been frequently termed a Cat, from your noted skill in falling safely, so you further merit it from the apology of the cat changed into a beautiful woman, receiving a change only in form not in conditions. You are, by the exceeding greatness of royal favour, raised to very great riches and honour, not only out of mean fortune, but (pray pardon my plainness and necessary freedom) an ill state, as you are too conscious, that merited severity; yet all indulgences, all immerited additions of lustre and fortune cannot alter you, but you must be catting, still playing your old tricks, laying open before detecting. Your wit hath, like Galba's, very unseemly lodgings, and is no other than what may be conjectured to proceed out of so ill-contrived a frame, mischievous and unlucky; it serveth to no eminent counsel, but to impose upon the silly and credulous multitude, who adore you, as some idolaters are said to choose and worship their god, for its excellent deformity. No man, who makes a just and serious inspection into these addresses, sayeth any thing but what becomes generous and loyal subjects, whom the sense of their own duty, and the odious practices of men of your principles, stir up to these expressions of fidelity on their own part, and a most reasonable abhorrence and detestation of the others.

And now, because it is an answer to my letter, you lay upon me the task of inquiring what this monster, which you have ripped up and laid open, is?

You begin to tell me, that the fermentation which the nation is put into must be cherished by the ways that first occasioned it, and that the Romish designs against the protestant religion and liberties of England would miscarry, if the heats and animosities between protestants were not artificially fomented. Here the tale you tell of the Romish designs is so exceedingly stale, that it stinks abominably, and is rejected by most of the apprehensive dissenters and factious party, who see it in vain to talk any more at that rate, the generality of the nation being cured of those fits which the affrightful noise of popery put it into. For, as soon as honest and quiet men hear any begin to blutter those fusty discourses, they leave them as men tainted and rusty, tools (as you call them) to your trade of protestant joinery.[1] And the truth is, you

[1] Colledge, imprisoned at the same time with Shaftsbury, and liberated by a verdict of *ignoramus*, but afterwards convicted and executed at Oxford, was usually called the *Protestant Joiner*, from the trade which he followed.

all so torment and saw what you take in hand to polish, that it's great pity the masters of the company are not hanged, for company, with the journeymen. It is time indeed some end were put to the lunacy the kingdom hath been afflicted with; and, I hope, we may conclude it wrought, or near effecting, seeing the greatest part of what you stile distracted are recovered, and you are found not lords of the ascendant predominant over affections, but witches and jugglers that have held men under some short surprisal, but are delivered by Divine Providence, president at the council-table. Even they who commend you do not believe you, and the rest will never trust you; neither have you shot your bolt any thing near the mark, in saying, the operation of the declaration against the two last parliaments being wholly spent, this against the association is slipt in and managed to perpetuate rancours; for yourself, I fear to your grief, find to the contrary, both that the efficacy of the declaration is not spent, but hath produced this brisk and genuine offspring, the natural issue of so incomparable a conjunction as the people's affections answering their prince's condescension and love; and that it is so far from fostering animosities, that it is the most certain bond of union that could ever have been framed; a league, indeed, offensive and defensive, not as your squinting loyalty and unmannerly comparison would make it seem, between the prince and a faction, but between the king and all his subjects, who conscientiously respect their own duty and the general welfare. We never think or call that a faction which, compelled by the fear of God, honoureth the king; but you who, of all men living, have the greatest provocations to admire and love regal clemency and bounty, do most wretchedly, after all the strictest engagements to loyalty, turn back like a dog to his vomit, and are pleased no otherwise, but during your respect to that vile excrescence of government which hath been spewed out and abhorred, as your beloved association is now, chiefly for its tendency towards the same.

After you have made a citation of a loyal gentleman's words, you will needs insinuate from them a parity of his most excellent majesty's, and that basest of usurpers Oliver's cause; and do in effect deride all that out of devotion worship the true God, because some out of fear or illusion have worshipped the devil. Usurpers, conscious to themselves what hatred their ambitious and tyrannical invasions merit, study popularity, and are forced to fawn upon the worst of men, whom they interest to impose upon others, and always rule by arts contrary to the prescriptions of legal and just monarchy; they either affright or corrupt men to obsequious acknowledgements; these, with majestical but gracious countenance, receive the due tributes of voluntary obedience, and encourage fidelity, to the shame and terror of such as associate and consult, by their king's, to disturb the publick peace. Because some unduly flattered Oliver, once your master, therefore you will allow none to give our lawful king those proper elogies and thanks which his wise and excellent government challenges from all whom God hath blessed with judgment to see and rejoice in their happiness, by and under him.

But this, with your lordship, is a base and destructive design. A strong affirmation, which you would have received, although you have forgotten to tell us the reason. And so, in truth, you have the sense which should direct us to what you mean in saying, "It would have been some argument of the addressors candour, and sincerity of their intentions in what they did before, if they had forborne their hard applications till they had found they were not mistaken in the grounds upon which they think to vindicate themselves for what they then did." Something your lordship did here conceive, but, being ill-midwifed, is spoiled in the production. As to what you said a little before, you are as unfortunate in your expressions and reasoning; for these addressors are not sick of your lordship's megrims and distempers of the brain, that giddily rave and anticipate the fruits of royal councils before maturity. They, as all brave spirits, are blessed with humility, and meddle not with the king's prerogative, neither take

upon them to instruct him when a parliament will be most seasonably called, but leave it to his wisdom; from which, by God's blessing upon it, they hope to reap the satisfactory effects of these and their former addresses, while your lordship and your factious adherents shall sit in melancholy postures, and enviously assist your tormenting angels in your own vexation.

How you call Mr Gwyn's oath "A bare suggestion," I understand not; neither what credit you gain by saying "This association was, for what appears, only feigned and imaginary." Those few words, upon this account before spoken, may, I think, suffice; for all your scrupulous artifice will neither cover nor colour that villainy. You may as well call in question, whether that noble and loyal peer was accused and indicted, as whether that paper was seized in his closet, or any where promoted by associators; you may as well question, whether that lord ever was lord-chancellor, and afterward made good his own words in his speech to lord-treasurer, and found his majesty "A prince under whom the unfortunate fall gently;" whether, afterward, in the House of Peers, he made any speeches in opposition to a certain strict test for the discovery of popery, promoted in that house; whether he was since at Oxford, and afterward committed to the Tower?

Your lordship thinks it congruous, that the addressors testify their detestation of the many sham-plots whereby loyal and innocent protestants have been endeavoured to be destroyed; and what is more evident, than that they do this, abhorring both the real and sham-plots which bold and bloody-minded factions, under the name, forsooth, of protestants, were engaged in, to the destruction of the king, religion, and government? This you are fierce and zealous to have done, yet being done you dislike and complain of it; and what's the reason, but because, while you cry out of popish plots, and popish sham-plots only, these addressors, the true friends of the protestant religion and peace of these kingdoms, see you involved in the same plots which you cry out against, and engage to defend the king and established religion against all conspirators whatsoever, whether popishly, schismatically, or heretically affected?

But when all of you make such a dinn about protestants, and name the protestat religion, why do you not set forth what this protestant religion is, that we may know it before we engage to defend it? The religion established in the church of England we are sure you would destroy, not preserve; for this the addressors promise and desire to preserve, which promises only give you these galls and disturbances. Neither will you own the presbyterian to be the only protestant, nor with the presbyterian the independent, for then the other younger brethren, Anabaptist, Brownist, Quaker, Fifth-Monarchyman, and all the rest of this large family, will take it very ill to be rejected as spurious, and unprovided of protestant portions. If you take all into your politick ark, whether feathered or naked, cloven-footed, clawed, or hoofed, this conjunction will make England, in the next generation, surpass any part of Africa for monstrous issue, when those of Baxter's, Vincent's, and Jacomb's holy protestant herds shall mingle with Protestant-Muggletonians, Protestant-Quakers, Protestant-Ranters, and your honour's, which is Protestant-Atheists. Considering then the impossibility of such pretended union in different opinions, knit together in one band of religion, and yet that if any one or more part or opinion be rejected, the project is that way inconsistent with what it throws out, and would seem; because there is a rupture made with the Muggletonian or Ranter, or whomsoever this holy league receives not, who yet hath as good a title to that *vocabulum* of protestant as Jack Presbyter, Jack of Leyden, George of Munster, or Hugh Peters when he came from New-England: therefore I find the league hits not upon the score of religion, but all these are protestants, as protesting against monarchy and the whole present frame of government, and that can no otherwise come under one name of protestant, than by joining with it the word rebel;

and then, Protestant-Rebel speaks all the parties together, Presbyterian, Muggletonian, Anabaptist, &c. being as the colours of yellow, tawny, green, &c. by which the several regiments are to be distinguished. And these, you think meet, the city of London should lead the way to address for their protection, until they may conveniently be (as is aforesaid) united and formed into a body that can defend and set up for itself. But your lordship is still unfortunate, advising impertinently; for the city, seeing the design, hath, in the lord-mayor and lieutenancy, taken a truly safe, commendable, and contrary way to your prescription, and so have bid your honour good night, wishing you to sleep for more wit.

And when parliaments shall, instead of endeavours to perfect the important matters of the kingdom, sit down and spin out more time in doing nothing than other parliaments have taken to dispatch multitudes of affairs; or rather in doing nothing but chalking out unwarrantable rules for the subjects to grow licentious, and act as in an authorized disobedience; what reason is there that good and peaceable men should not make to their prince grateful addresses for his care of them in dissolving such parliaments, and scattering the impending mischiefs which threatened ruin to our universe? As an anniversary day of thanksgiving for our deliverance from the ineffable calamities we sustained by that traiterous convention, called a Parliament, assembled under King Charles the First, whom they devilishly persecuted, unkinged and murdered, is appointed upon the day of the birth and happy return of his sacred majesty now reigning; it seems to me as reasonable that those days, whereon his majesty secured the liberty of the subject by dissolving the last parliaments, be kept festival, in commemoration of our deliverance from those great and apparent dangers wherewith we were encompassed while they were in session.

Neither are all associations (as either your nine-eyed perusal reads, or your distorted and grieved fancy interprets them) abhorred in any of these addresses, which detest only those two diabolical ones, the first, of the Solemn League and Covenant, and this seized in the Earl of S——'s closet, but are themselves pious and loyal associations, excellently adapted, to use your words, for the preservation of his majesty's person and dignity, and the protestant religion now by law established. But for your so justly abhorred association, which you would insinuate was to have had the royal stamp, pray tell me where and when those audacious ruffians (who would not allow their king, in the management of his settled revenues, the privilege which the meanest owner of a chattel-lease hath in the disposal of it) did agree and consent, more than in the taking the covenant, to ask the king's leave and liking? Or rather, tell me whether you would not first have taken it, and have afterwards, upon the point of the spear, tendered it to him for his approbation and stamp at Holmby-House, the Isle of Wight, or Hurst Castle?

How strangely, you say, it looks, that the mayor of Gl——, who is recorded to have done service against Charles Stuart at Worcester, should now be hugged for advancing these addresses! From a person of good credit I am assured, that this gentleman, now mayor[1] of Gl——, was in those times, with all the family, expelled that city, because persons of known loyalty. But if it be as you say, it is not so strange to see deceived men undeceived, which happening, none are wont to be more zealous maintainers of the cause which they once opposed. But it may be, you reflect on him, and the eminent magistrate in the city of London, by reason of the opinion received by many, that rebellion is never truly repented of: But 'tis a mistake; for although it be rare, yet we have seen divers eminent persons, great in the rebellious times, far greater in the king's; as Col. J—— B——, and D—— L—— H——, one of the five members, yet since a privy counsellor, and ambassador, entrusted with the weightiest affairs of the realm; and, above all, the Earl of S——, whose riches, honours, and trusts, were

[1] Anno 1682.

almost unaccountable; yet, to say these were not men of principles acting uniformly, but swayed by interest, and ready to engage with the same heat in every thing that lieth in subserviency to their gain, what is this, but to upbraid those pious, great, and wise ministers of state with insincerity, which must be an inlet to all villainy and corruption; which, for you to think, or me to say, were a crime never to be expiated? Therefore, if nothing in men's actions and manners doth appear, but what speaks them obedient, all good men will rejoice at their conversion, notwithstanding the affrightful blackness of their former transactions.

As for your brethren and fathers of your protestant corporation and interest, discourse them as you please at your own leisure: But while your zeal to the former times transports you, no wonder you mistake men and business, and dream all things transacted after the usurper's mode, as if the country gentlemen, grand-jurors, and chief burghers of corporations in these days, are like your upstarts, who were indeed mere tools, and must be managed like puppets, ere they could squeek a pitiful address to those baubles of authority. And then, your mentioning the different opinions of the papists in our days from those in Queen Elizabeth's reign, in the cause of succession, makes me wonder at your either error or imposing confidence, if you either believe, or would perswade others to believe, the whirling zealots have not a papistical rule and method for all they do and say, and change sense and language as they are taught from Rome. You now all along say expressly the same which they then did; but the doctrine introduced under the title of the whole clergy, nobility, gentry, and courtiers arguments, concerning the succession of Mary Queen of Scots, is wholly false: For, whereas some of the puritan gang, (which then began to be somewhat in esteem with religious time-servers,) did preach up, and throw forth such discourses as you mention, yet was it far from the sense of the clergy or sincere statesman, who would not alter from the pattern of loyalty set before them, and sealed with the blood and sufferings of those who drew it, in the case of Queen Mary's and Lady Jane Grey's title to the crown. Though they saw the danger, yet they had learned to believe in and rely upon the Divine Providence, which takes care for the safety of the church, and blesseth it chiefly when the governors thereof renounce the refuge of indirect politicks.

And then, what a story you tell of associations in Queen Elizabeth's time; which, had they been entered into without her consent, and of such a draught as this abhorred one, which you so much dandle, no *ignoramus* jury should have rescued the abettors and concealers from the gallows. And yet you presently destroy your own rare tale in the following paragraph, by prattling where the king should reign, even in the hearts of his people, which you would suppose he doth only of those who subscribe these addresses, an inconsiderable parcel of men, (you say) if compared with the bulk of the nation. Pray, my lord, tell me, whether the subscribers in Queen Elizabeth's time were a tenth part of the number? Yet were they a joyful guard to her, who, having their hands, was assured of the rest of inferior ranks, who were under the subscribers command. And whereas you pretend these addresses do proclaim the weakness of the government, you are out in that note upon the text, for they most certainly magnify it, rendering it glorious abroad and at home, in the eyes of all who wish the prosperity of it; being also a disheartening to its enemies, whether foreign or domestick. Nothing can be imagined more to increase the honours of esteem towards him in our neighbours affections, than to see the readiness of the King of Great Britain's subjects, throughout the whole kingdom, to assert the royal prerogatives, and give such hearty engagements to defend his majesty's sacred person, crown, and dignities, the religion by law established, and the right of succession; which last is no less reputation abroad and at home than the former, because all disputes and heart-burnings concerning his successor, disturbing his people's affections, make him uneasy, and frequently proves of as ill consequence to any prince, as if his own title were in con-

troversy; but that, settled and indubitable, strengthens his power, and blunts the sharpest edge of malice against that prince that hath such a revenger of any his reproaches or injuries. And when the heads and principal members of all counties, cities, towns, and other corporations, do, with so filial respect, purge themselves of all sinister designs or intentions towards the crown, either in the present fruition, or future inheritance, and out of the ardency of honest affections abhor all such vitiated and rotten members as you and others, who are, and have been versed in indirect and disloyal practices, not only foreign malignity, but your's, is hereby shattered in pieces, and you, who pretend you tremble at others, are in an agony with the thoughts of this, and the co-operating stings of conscience.

What your lordship mentions concerning the Portugal king is foreign to the matter discoursed, and more ridiculously introduced, than I should a petition that your honour, as a reward for your oratory and manners, should be sent to the house of correction.

To conclude, seeing your lordship so great a counsellor and fortunate statesman as never to be believed or loved, never to attain to what you seek, because your mind is more changeling than your unsightly body gives us to suppose; and alway knowing, that you never speak truth but as the devil did scripture, to corrupt the holy to apostacy, (our own searchings having caused us strongly to confide in the Duke of York's loyalty and unparalleled love of his prince, his untainted candour and sincerity towards all who faithfully respect their duty and allegiance,) your forming such terrible dangers to the king and kingdom by his authority and succession, doth sufficiently secure us from fear: For, were there any real danger imminent, you would never discover it, it being impossible but you should have an hand in it. And this giant popery, as it is magnified by your opticks to us, is but a dwarf; how much properer he may appear to some, when shewn from off your monkey shoulders, I cannot tell, and leave you to the trial; whom I desire to pardon for any thing harshly expressed, because I hope it may prove beneficial to your honour, and if so, it is the same to

Your Lordship's very
Friend and Servant, &c.

From Newmarket, March 16th.

A Reply to the Second Return. 1682.

From the beginning of the following letter, it seems the intention of the writer to fix the foregoing tracts upon Lord Hallifax. He accuses his lordship of having wavered betwixt the Earl of Shaftsbury's party and that of Charles. Nor indeed was Hallifax, in the eyes of the sharp-sighted courtiers, free from all suspicion, as appears from the following passage:

"Now there were those who, considering how nearly Lord Hallifax was related to Lord Shaftsbury, imagined his lordship was not grieved to see the latter was no longer a prisoner; and, indeed, what made me, among others, bend a little this way was, that waiting on his lordship a little early, I found one of my Lord Shaftsbury's gentlemen with him. But his lordship denied it all very seriously to me, and said he would ere long convince the world of their mistake."—*Memoirs of* Sir John Reresby, *Lond.* 1735-8, *p.* 128.

I RECEIVED your's in print by the penny post, and expected the date from Ruff. abbey,[1] and not from Newmarket, but I understand your lordship hath given your agents in this town the lye, and not retired to your country house upon the duke's coming, but have rather posted down to Newmarket, with the new Hosanna of O duke, l ve for ever, which was some years since, O king, live for ever.[2] I find your lordship is no good judge of stile, for I can assure you the letter was not the Earl of S——'s, and therefore you do ill to take this occasion of railing at him, unless you are resolved to save charges, and do that in your own person, which others are so unsuccessfully hired to do. It is a notorious false testimony to say that earl was raised from a mean fortune, when it is well known his father, in 1630, long before the troubles, had a revenue of between 8 and 9000*l.* per annum; and I have heard him often say, he would yield himself to be the worst man alive, if he in the king's service got his maintainance, or did lay up above half his paternal revenue; and I think so able a man may be allowed at least to be maintained in so great employments. Neither do I understand that malicious hint of merited severity; it was never applied to any man that had one of the chief hands in restoring a prince to his kingdom, as I know he had; and without whose courage and dexterity, some men, the most highly rewarded, had done otherwise than they did;[3] therefore I have heard him say often, that the act of

[1] Rufferd Abbey, in Nottinghamshire, was the seat of the Marquis of Hallifax.

[2] "The same day having been to visit the Duchess of Portsmouth, my Lord Hallifax took me home with him from Whitehall. On the way, I acquainted him, that the general report was, that his lordship opposed the Duke of York's interest with the king, and his return from Scotland, which his highness most urgently pressed. His reply was, that it was well if the duke's over hastiness did not turn out to his own disadvantage; that his highness had a sort of hungry servants about him who were eternally pressing for his return, nor would ever let him be at rest till, with a view to their own interest, they put their master upon what might prove much to his prejudice. And true it is, that whilst his highness was near the king's person, every body believed his majesty to be principally swayed and actuated by his advice, and consequently that popish councils were then uppermost; whereas, he did a great deal of good in Scotland by keeping a watchful eye over that mutinous kingdom. But the papists and others, his highness's creatures, pretended he was kept in Scotland that his enemies might the more easily work him out of his brother's good opinion; and that the ministers might have the king all to themselves, and guide him according to their own will and pleasure. Upon this, Lord Hallifax observed, there was great partiality in the judgment of men; for that, in common justice, they ought to take as much notice of things that were managed for the duke's advantage, as of what seemed to be otherwise. That, for instance, nobody had commended the ministers for getting the Duke of Richmond to be master of the horse in prejudice to the Duke of Monmouth; though it must prove a great obstacle to his return to the king's person, and though most evident it was, that no greater service could be done to his highness than to keep the Duke of Monmouth from court."—*Memoirs of* SIR JOHN RERESBY, *Lond.* 1735-8. *p.* 129.

[3] The following story is told in Locke's Memoirs, but it is only upon the authority of Shaftsbury himself. It seems to contain an explanation of the inuendo in the text:—

"Monk, after the death of Oliver Cromwell, and the removal of Richard, marching with the army he had with him into England, gave fair promises all along in his way to London to the Rump, that were then sitting, who had sent commissioners to him that accompanied him. When he was come to town, though he had promised fair to the rump and commonwealth party on the one hand, and gave hopes to the royalists on the other, yet at last he agreed with the French ambassador to take the government on himself, by whom he had promise from Mazarine of assistance from France to support him in his undertaking. This bargain was struck up between them late at night, but not so secretly but that his wife, who had posted herself conveniently behind the hangings, where she could hear all that passed, finding what was resolved, sent her brother Clarges away immediately with notice of it to Sir A. A. She was zealous for the restoration of the king, and had therefore promised Sir A. to watch her husband, and inform him from time to time how matters went. Upon this notice, Sir A. caused a council of state, whereof he was one, to be summoned; and when they were met he desired the clerks to withdraw, he having matter of great importance to communicate to them. The doors of the council-chamber being locked, and the keys being laid upon the tables, he began to charge Monk, not in a direct and open accusation, but in obscure intimations and doubtful expressions, giving ground of suspicion that he was playing false with them and not doing as he promised. This he did so skilfully and intelligibly to Monk, that he perceived he was discovered, and therefore, in his answer to him, fumbled and seemed out of order, so that the rest of the council perceived there was something in it, though they knew not what the matter was. The general at last averred, that what had been suggested was upon groundless suspicions; that he was true to his principles, and stood firm to what he had professed to them, and had no secret designs that ought to disturb them; and that he was ready to give them all manner of satisfaction: Whereupon Sir A. A. closing with him

oblivion was an act of the king's honour and justice, but not of his mercy; it being a treaty and agreement much more sacred than any act of parliament can be; and I must tell your lordship, and your friends the papists, that if you consider what promises, declarations, and engagements the dissenting protestants had, both of his majesty, his lords and his bishops, at the time of his coming over, and how they have been since used, and with what submission and loyalty they have carried themselves, you will not find a parallel instance.

But your lordship's business is to keep your hounds in full cry against the pretended association; for since you cannot find one really in being, a red-herring from your own kitchen must be hunted and trailed through the kingdom to make a noise.

The malice is more than the wit in the matter. You have broken down your gates in the chace, and made so many —— gaps in your own hedges, that your cattle are broke out and come to the pound; and what sort of beasts you trade in will be discovered. It is an impudence beyond the jesuits, to say that nothing was more exactly proved, nothing more unquestionable and free from disputes, than that the Association was seized in the earl's closet; Gwyn himself neither does nor dare positively swear it, and it is judged in that great case of Monsieur Fouquet, that a man is not answerable for papers seized, when he is refused to deliver them upon inventory. Fouquet's enemies were not more bloody and inveterate than the earl's, nor the concern of state against him higher; and yet the law of nature and reason can never subject a man to so unreasonable a danger. Besides, was it ever heard that any man was questioned for a loose paper without any hand to it, found in his study, that cannot be proved to this day, nor ever will, that he ever saw, read, or conferred with any about it; neither is it to be proved, notwithstanding all this popish clamour and abhorrors, that ever any one man did ever sign, or act upon it, or any thing like it. But your lordship is very plain in the matter, and would have the parliament men in the House of Commons, who promoted the association, have their heads advanced to the house-top. I do not doubt but your lordship and your friends the papists, (whose religion you have lately taken up, and mean to use while it is convenient,) are of that mind; but it is for some other votes they then made of declaring enemies to the king and kingdom, for otherwise your lordship, and some of your friends, are as much guilty as any of the House of Commons of the association; it being to be proved that the association, and the banishing the duke for ever, was your lordship's proposition in the lords house in the last Westminster parliament. The first utterly disliked by the Earl of Shaftsbury, as no expedient they could trust in, since your lordship, and others of your make, could not be kept from being in the head of it. But those eminent and worthy persons of the Earl of Shaftsbury's jury must be railed at at any rate: Yet where your lordship found that two of the jury should say, This is the same with that which we

and making a farther use of what he said than what he intended, (for he meant no more than so far as to get away from them upon this assurance which he gave them.) But Sir A. A. told him, that if he was sincere in what he said, he might presently remove all scruples, if he would take away their commissions from such and such officers in his army, and give them to those whom he named, and that presently before he went out of the room. Monk was in himself no quick man; he was guilty alone among a company of men who he knew not what they would do with him, for they all struck in with Sir A. A. and plainly perceived that Monk had designed some foul play. For these straights being thus close pressed, and knowing not how else to extricate himself, he consented to what was proposed, and so immediately before he stirred, a great part of the commissions of his officers were changed; and Sir Edward Harley, among the rest, who was a member of the council, and there present, was made governor of Dunkirk, in the room of Sir William Lockhart, and was sent away immediately to take possession of it, by which means the army ceased to be at Monk's devotion, and was put into hands that would not serve him in the design he had undertaken. The French ambassador, who had, the night before, sent away an express to Mazarine, positively to assure him that things went here as he desired, and that Monk was fixed by him in his resolution to take on himself the government, was not a little astonished the next day, to find things taking another turn; and, indeed, this so much disgraced him in the French court that he was presently called home, and soon after broke his heart."

saw produced and promoted in the House of Commons, I cannot tell; I am sure there is no such expressions in the proceedings at the Old Bailey, published by authority: But, between the veracity of a condemned jesuit in Newgate, and that of a statesman marked out by a vote of the House of Commons for an enemy to the king and kingdom, I see there is no great odds. Your lordship hath great reason to be angry, for I confess they spoiled the best design that was ever laid, by a damned popish party. The government according to law, with the help of Irish witnesses, and well-chosen juries, should have delivered you from all the honest, worthy, and considerable protestants of England, for it is plainly confessed by your lordship how far you meant to go; it is a thousand pities that the city charter were not gone, and that your lordship and your fellows might not have the naming of sheriffs for London and Middlesex, as well as the rest of the kingdom, and then it is plain what justice we should have for our lives and fortunes; the masters of the companies would then be hanged with the journeymen, and Sheriff Pilkinton's conscientious Surry jury would be found at every assizes; eight hundred pound damages given to a fellow that proved not a penny damage received, or possible to be received by it. But since your lordship and your friends have had so good a design spoiled, I cannot blame you to be angry; but I would very fain guess what you would next be at, or whether your patience will hold out until the city charter be taken away, which I assure myself will be long before it be done. I fear you will resort back to the pattern in the mount, and follow the precedent of your bloody predecessors, the Guises in France, cut our throats and condemn us after, since we will not quietly be condemned first and hanged after; I am sure this is the next step can reasonably be expected from men of your conscience, and from the principles and interests you are carrying on: Neither let any one blame me for minding you of it, for I know it hath been long in your mind, and often in your debates, and therefore I thought it more necessary to warn others of what you are most likely to do. And since you talk so much of the Duke of York's loyalty and love to his prince, I pray God preserve the king, and keep him out of your bloody hands.

I beg to know to what purpose your lordship recites that my Lord S——y was lord-chancellor; do you quarrel at any of his decrees or actions then? Or wherein did he not execute that office as a great and good man should?[1] And what doth your lordship mean by the certain strict test for the discovery of popery, opposed by that lord in parliament? The test that was passed against popery (which every officer is obliged to take) is notoriously known was principally promoted by him: If your lordship mean the other bill of the test which he opposed, it is the same with what the Duke of York hath passed lately in Scotland, and is a great step to the destruction of the protestant religion. The truth is, there are so many of these downright popish touches in your paper, that I sometimes doubt whether it be your lordship's or no, since you are but a papist of two years standing, and yet they say young proselytes are the fiercest; but this paper must come from a papist, or voted enemy to the king and kingdom, since you tell us, that you would have the days of dissolving the two last parliaments kept festival, anniversarily, in commemoration of your deliverance from those great and apparent dangers wherewith you were encompassed whilst they were in session, none but such fellows and their faction being then in danger. But I find your lordship extreme angry at the word faction; since you will please to have it that your worthy abhorrors and addressors are not a faction, but the total of the king's subjects, who

[1] Dryden's lines on Shaftsbury's administration of justice, while chancellor, must be in every reader's memory:—

"In Israel's court ne'er sate an Abethain,
With more discerning eyes, or hands more clean;
Unbribed, unsought the wretched to redress,
Swift of dispatch, and easy of access."

conscientiously respect their own duty and the general welfare. Pray, my lord, let us examine this excellent position of your lordship's, setting aside your heat and railing. Does your lordship think that the choice of sheriffs, the great care in returning select men for grand-juries, the arts that were used to draw many of them into these abhorrences, are not well known to all the nation? We never doubt but you have choice of gentlemen to make sheriffs fit for your turn, and they have rogues to make under-sheriffs in every county; neither is it doubted that seventeen or eighteen men may be found in most counties for your turn, (although in some, and those great counties, you could not find above thirteen, and in several other countries you have failed absolutely,) and yet all this will not speak your party the hundredth part of the nation. Hath your lordship found out another way to make a distinction between the sense of the nation and that of a dangerous party, than that of the House of Commons? Will you tell me that a parliament chosen against all the opposition, industry, power, and money of the court, is not the sense of the greatest part of the nation? Will your lordship affirm that this is a faction, and your lordship, the papists, the Duke of York and his creatures, are the only loyal subjects to the king and government? And what sort of people these make up may be guessed by what you profess yourselves for. A government infinitely worse than that in Turkey, wherein the law shall be of no other use but as a mask to the prince's worst actions and tyranny; and our religion, estates, lives, and liberties subjected to the most arbitrary will of the prince, who, being a man, is as capable and liable to be extremely ill as any other; besides, what law you allow to this king, who is an excellent prince, as your king, must be allowed to the next, though he be the worst in nature. And yet you will find out a way, that, by naming judges, sheriffs, and juries, all things shall certainly go as the court and great men order; it is already so compleat in Scotland, where the proverb is, "Shew me the man and I will tell you the cause." This is a way that no sober or honest men were ever for in any country. The zeal of your lordship to preserve your greatness, of your duke to get a crown, and of the papists to introduce their religion, hath outgone, by many steps, all that ever went before you.

I acknowledge it the king's prerogative to call parliaments; but Edward III. tells us he was sworn, by his coronation oath, to provide remedy in parliament upon great emergencies. And our laws have been very careful to fix the frequency of them; and it is that only court that can keep all the rest useful to the king and people. They are brave spirits indeed, and blessed with a popish torish humility, or rather stupid folly, if not wicked villainous designs, that are unconcerned when a parliament should be called, and leave it to the prince, whether he pleased to have any or no. The law hath given us a right (nay it is our chiefest birthright, and without which we have nothing left us, but are mere slaves) to parliaments within such a distance of time. The prince hath the prerogative of appointing the day, and dissolving when the business is done; but the prince is obliged that we have parliaments within our time, and continued so as may be of effect to provide remedies for the emergent evils. His prerogative of appointing the day ought not to deprive us of our right of having them in such a time, neither ought his power to dissolve them, to render them useless to us.

I am heartily sorry your lordship is so ill instructed in the protestant religion, that you ask what it is; but you profess that yourself and your fellow addressors, abhorrors, are zealous for the religion by law established in the church of England; so then you do not know the protestant religion, but the religion by law established you are well acquainted with. What security will your lordship give, that when your army is compleated, and your militia abhorrors and addressors mustered, that you will not tell us that the religion established by law in the church of England is the old popish religion settled by Magna Charta, which is not repealable by any future act? For this good old cause your lordship and friends at court have nursed up the king of France to the

height he is now in Christendom, and all Europe is abundantly in your debt for it. *Quantum religio potuit suadere malorum!*

I own myself a friend to the dissenting protestants, until your lordship can find out an infallible decider of points of faith.—I can give men leave to differ from me in opinion, whilst they live soberly and honestly by me.——There are none I know so inconsistent with government as the papist, who owns a foreign jurisdiction, and dissolves all natural religion to introduce his own.—And though your lordship is pleased to add the word rebel to the name protestant, yet it will agree much better with the papists, whose religion is rebellion; and it is impossible to find one true subject of them in the world, (to any but the pope) if they believe their own religion.

I find your lordship is very kind to court converts, and would pass over the blackness of all their former transactions; and you have great reason since you are so lately one yourself. But be not deluded; the papists think not as you think; they never forgive past offences.—Argyle cannot be forgiven the being his father's son.—Nor the Duke of Lauderdale will not be forgiven the having brought the covenant into England.—Tweedle will find hereafter, that it will be remembered he sat in Oliver's parliaments. And I should tell your lordship, that you will suffer hereafter by a halter of the Duke of York's providing, but that my skill in astrology hath told me a garter of your own using shall prevent it. The jealous churchmen that govern the popish interest never forgive, especially men capable of thinking and judging other things than they would have them.

Your lordship is extremely out when you tell us the associations in Queen Elizabeth's time were entered into with her consent and privity; when the queen herself, in her speech to the parliament, in the twenty-eighth year of her reign, did protest before God, that she never heard or thought of such matter, being wholly ignorant of it till a great number of hands, with many obligations, were shewn her at Hampton-Court, signed and subscribed with the hands and seals of the greatest in this land.—But you are pleased to call several parliaments, that about that time so extremely opposed the succession of Mary Queen of Scots, a puritan gang, and have found out a clergy, nobility, and gentry in the clouds that were of another opinion. No question there were some and great store of papists in those days, but I am sure the parliament were violently against her succession, as appears in the rolls; nay, and against her life too, for it was then daily experienced that the queen was not safe whilst the head of so desperate and bloody a religion as the papists was in being.

Pray, my lord, let me ask you freely if this is not the very case now? It was the opinion of our parliaments, and the truth appears every day more and more. Can your lordship make a difference between the case of Queen Elizabeth and her popish successor, Mary Queen of Scots (which yourself have so wisely instanced in and brought upon the stage) and the present case of our king and the Duke of York? Have the papists appeared less bloody in their designs since that time? Have they less passion for introducing their religion? Did the Queen of Scots discover more ambition for the crown of England than our duke hath? She was a prisoner in the queen's hands, and in custody, and had not the tenth part of the opportunity the duke hath, whose friends and creatures possess all the governments and commanderies both by sea and land, fill the courts and councils, so easy and unwary, pardon me if I so say, hath our king been. But the Duke of York's loyalty is not to be disputed! Though I remember the time when he got the fleet from his brother the prince and swore it to himself. And I appeal to the king, whether he knows not of several attempts that were made to set up the Duke of York before his coming over; and the transactions in the duke's name of the Duke of B——m and Colonel Banfield, for the restoring the duke to the crown, and not the elder brother, are sufficiently to be proved. We are all witnesses of the king's marriage by the duke's father-in-law, to a lady of great birth, but such as the Spanish ambassador then undertook to prove could have no chil-

dren; and immediately upon this marriage, the duke, as if sure of the matter, sets up with guards the prince's lodgings at court and seat in parliament, and all the establishment of his house exactly suitable to the prince of Wales. His unparalleled love to his prince appears in all this, and in nothing more than the civil treatment the king at this hour receives from him and his party; the throngs that attend the one, whilst the king walks the streets with two or three pages of his back-stairs. Our king is the first instance that was so willing to settle indubitably the title of his presumptive heir, and, to strengthen his power, gives it all up to his successor; but he goes far that never turns, especially in such perilous and unsafe ways. Our king is not only an excellent well-bred gentleman, but a man of great abilities and courage, three things his brother wants. Whenever the king will think of his own interest, he will not want hundreds of thousands to die at his feet; multitudes would adore him that hate and fear the religion and temper of his brother. Pray God bless the king, and give him yet more and more the spirit of discerning his interest and friends, and the courage to deliver himself from the hands of such unworthy base traitors, as we have reason to fear he is now encompassed with; which shall ever be the hearty prayers of,

Yours, &c.

The Earl Anglesey's[1] *State of the Government and Kingdom; prepared and intended for His Majesty, King Charles II. in the Year* 1682, *but the Storm impending growing so high prevented it then. With a short Vindication of his Lordship from several Aspersions cast upon him, in a pretended Letter that carries the Title of his Memoirs. By Sir John Thompson, Bart. afterwards Lord Haversham.*

"The name of the Earl of Anglesey, and that of the editor of this piece, Sir John Thompson, Lord Haversham, may perhaps be sufficient to excite the attention of the public; but a word or two of introduction may nevertheless be necessary to clear up some particulars relating to it. In the first place, then, it appears, in the very title-page, that the letter called The Earl of Anglesey's Memoirs was the occasion of publishing this; and for what reason appears in the editor's preface; for whereas the drift of the former was to tell the world, that the business of Sir E. Godfrey, the firing of London, the popish plot, &c. were only fears, jealousies, and surmises; and Lord Anglesey gave his voice for the condemnation of Lord Stafford, (one of the lords accused as privy to that plot,) Sir John infers, that those Memoirs were none of his; and to clench his argument, produces this State of the Government and Kingdom, of his lordship's preparing, for the king's own use, as a piece of counter-evidence; shewing, that he who thought his majesty so ill served, and the nation so near being undone, could not countenance any such opinions as are suggested in the said Memoirs. But in the year 1702, when the controversies between the two houses, concerning their privileges, made all papers of that kind desirable to the public, another tract of his lordship's, called The Rights of the Lords asserted, with Remarks on two Conferences held in the Year 1671, was made public, by some other friend or relation of his lordship's; who, after lamenting the loss of his lordship's elaborate History of Ireland, from the year 1641 to the year 1660, (which was missing nobody could tell how,) blames one Sir Peter Pet for printing some of his scattered and unfinished papers, (written only to relieve his melancholy moments, and amuse himself under a long and tedious indisposition,) under the

[1] Printed for Samuel Crouch, 1694.

specious title of Lord Anglesey's Memoirs. Here, therefore, it is admitted, that those papers were really that nobleman's; and the editor of The Rights &c. though anonymous, seems to be as well acquainted with his lordship's studies and opinions as either of the two former. If, therefore, there is a seeming difference in the evidence contained in the Memoirs, and the State, may they not be reconciled, by supposing that his lordship found as much reason to condemn the malcontents as the court? Or, if not, by considering them as two different expedients of the same courtier, who never designed that either of them should have been exposed to the censure of the public? The reader will decide on these conjectures as he finds cause: It remains, however, to be observed, 1. That the reason assigned by Sir John Thompson for Lord Anglesey's not presenting the paper to the king, which he thought of such importance for his majesty's service, namely, That the storm's growing so high prevented him, does not seem altogether so conclusive as he would have it imagined. The higher the storm the more the ship is in danger, and the more need there is of a good pilot; and how sure soever his lordship might be that his service would be rejected, it became him, as his majesty's sworn, faithful counsellor, to have made the tender. 2. That the November before this intended piece of volunteer advice was dated, his lordship had received a letter from the Duke of Ormonde, then residing in Dublin, in the capacity of a chief governor of Ireland, complaining of an answer to the Earl of Castlehaven's Memoirs, as casting a reflection on the memory of the late king. 3. That his grace had caused this letter to be printed. 4. That from hence, the earl had all the reason in the world to believe the duke was under a court direction, in order to furnish his majesty with a pretence to remove him out of his office of lord privy-seal, and thereby to make room for Lord Hallifax: And that when he was removed, as he actually was, in the August following, after a sort of a hearing before the council, by whom his said answer was voted a scandalous libel, he had nothing more to apprehend from the envy of his adversaries, since he had no other places to lose; and since his zeal against popery, which was the real cause of his disgrace, had not led him to join with the excluders against the Duke of York, as the only method to prevent the nation from being deluged by it. 5. That the earl did not think himself obliged, after such usage, to consult over-nicely the humour of the court; for he not only caused an account of the whole proceeding, between the Duke of Ormonde and himself before the council, to be published, but accompanied it with a copy of his expostulatory letter to the king upon it; and afterwards appeared at the Old Bailey, at the trial of Lord Russel, in behalf of that unfortunate nobleman, and to take off the edge of Lord Howard's evidence against him, by deposing, That he had heard him declare, with the utmost solemnity, the contrary of what he had now sworn: And, lastly, that in the close of the said account, he talks in a language very little agreeable to the drift of his Memoirs above cited: For he not only suggests, That popery was then flowing in upon us, and that both Dr Morley, Bishop of Winchester, and himself, were of the same opinion, for keeping it out, ten years before, when the papists were warmly set upon their design to introduce it, before their desperate plot, (these are his lordship's own words,) since discovered, (for which so many have suffered by the hand of justice,) was ripe for execution."

Without affecting to add to what is above stated, in the words of the former edition of this miscellany, I would observe, that the excellent address which follows contains advice fit for a faithful counsellor to give, and a good prince to receive.

To the King and Queen.

May it please your Majesties,

THIS paper was at first intended a present to your royal uncle, in which the noble author has studiously contracted his many and large experiences into a compass suitable to the leisure and view for which he designed it. How wise and great a statesman he was, and how fitted for an argument of this nature, by his great insight into men and business, (having from his youth breathed scarce any other air than that of courts,) how valued and esteemed by King Charles the Second for his wisdom and dexterity in reducing things to their true temper and legal standard, especially at an emergency, when either the folly or design of false or weak ministers had puzzled his

majesty's affairs, and made them almost desperate, those who knew him can better tell. It becomes me to be silent, lest I should injure his memory by saying too little, or displease others by saying too much; if any have so much curiosity, they may themselves make the judgment by this taste, that is left us of his mind, thoughts, and manly noble way of expressing himself, (a thing wherein his lordship had a peculiar happiness, not disguised in the taudry dress, wherein he has been of late injuriously exposed.)

I have nothing to say in excuse for my presumption in this dedication to your majesties, but that it was designed for the service of the throne; and certainly a discourse of this nature, wherein you will see the wide differences between the faithful and wise councils of the dead, free from flattery, fear, or design, and those of the living, which are subject to them all, cannot but be acceptable to your majesties, especially in a time of so much action, danger, and disappointment.

Your majesties obedient subject and servant,

JOHN THOMPSON.

The Preface.

THE tombs and dormitories of the dead have always been held venerable; to invade their silence, or disturb their sleeping dust, much more to mangle, and then expose them, yet scarce cold, is a crime so detestably odious, nothing but a French barbarity[1] could ever be guilty of: But, for a wise and great man to be abused in his thoughts, to be presented to the world as one that took pleasure in deceiving and imposing upon the understanding of others, to be made to think and speak things so low and mean, so dull and insipid, nay, quite contrary to his own sense and apprehension, is a cruelty and savageness so much greater, as that to be mortal, and thereby subject to violence and injury, is the common lot of all; but to be a fool, or a knave, is the particular curse but of some few.

And yet it has been the misfortune of a late noble lord to be thus represented to the world, in a book that bears the title of, The Earl of Anglesey's Memoirs; but is indeed so very unlike him, it is strange any should have the confidence to impose such a suppositious thing on the world; certainly this lord might have expected better treatment, after an age worn out with toil and pain for the public, than to have his study plundered, his papers rifled, his thoughts debased, by a dull and coarse allay, and his reputation set to sale for a little private advantage. Is there no original left of such a man, to shew him to the world, but this little miniature, these few sheets? Where is that expected work,[2] the expence of so much oil and thought, in which he might have hoped to live to future times? How can any that have either value for the memory of the dead, or regard for the censure of the living, detain any longer so useful and so finished a piece, which was at first undertaken for the service and information of the public?

The publisher perhaps might not design so maliciously, but this alters not the case; whoever reads that pamphlet, and believes it to be my Lord Anglesey's, must think him not only knave and fool, but somewhat more. His intention seems only to make the best of his absent friend, by borrowing his name to get a penny, or to ingratiate himself with a party, in hopes of preferment, when time shall be; and withal, to let the world know, what otherwise they were like ever to be ignorant of, what a man of worth and weight he is. Hence, are those so frequent and repeated praises[3] of him-

[1] See the account of the inhumanity of the French this summer at Heidelberg.

[2] His History of Ireland, just finished, as it were, before his death.

[3] Page 4.

self. It is he that knows how softly to insinuate his notions with the gentleness of a philosopher, that has all the curious soft strokes of rhetoric[1] and reason, and all the structures of a great judgment[2] and fancy; all the mixtures of great and noble colours, able not only to prop up the great characters of King Charles's ministers, but to gild the pillory for offenders, whose short hints, like the slanting of lightning,[3] or sudden glances, by their quick movement, have power to create the passions of love and admiration. And, in short, in the late conjuncture, while the *vulgus* of writers and lachrimists were associated[4] in entailing the popular nuisance of fears and jealousies upon us, it was he alone who found out the way to remove them, by predicting, from natural causes, the happy future state of our country; and that the then fermentation would be perfective to it: Instead of which, had he told us King James's forsaking and deserting the party, that put the crown upon his head, the disregarding the opinions of his people, doing actions that raised their distrust, fears, and jealousies; the choice of weak and false ministers, the taking into his cabinet such as had abjured their religion; the closeting and tampering with parliaments, so that the nation had no hopes of having any, but such as the court were very well assured of; the appropriating and taking upon himself the faults and miscarriages of his favourites and ministers; and, in the midst of all this, the deepest security and unconcernedness imaginable, would at length prove fatal to him; the consequence had certainly been much more natural, and the event justified the prediction.

But how easily might this have been prevented, had he followed the wise examples of his great predecessors Edward III. and Henry IV. who, learning by the misfortunes of Edward II. Richard II. and to whom he immediately succeeded, how dangerous the strains of power, and loss of the people's affections were, did the more carefully maintain themselves in the good opinion and love of the people, by granting them all the reasonable securities they desired; redressing their grievances, and removing those (though innocent,) that were the least distasteful to the commons, of which we will mention a few precedents.

In 15th Edw. III. declaration was made, That such as found themselves aggrieved with the king or his officers, should, upon complaint, find remedy; and in the same parliament, at the request of the commons, that the chancellor, and all other officers there named, may be chosen in open parliament, and be openly sworn to observe the laws, it was enacted, That if any such officer died, or otherwise his place fall void, the king will have the assent of his nobles, and such officers shall be sworn the next parliament, according to their petition; and that at every parliament the king will assume into his hands all such offices, so as the said officers shall answer to the said objections.

In 17th Edw. III. the commons complain of the transporting the treasure, the discovery of the secrets of the realm, and that they neither could nor would, (they are the words of the record,) any longer bear so strange oppressions. Hereupon the act of provision was made.

21st Edw. III. N. 58. the commons complain, that whereas diverse merchants were slain and robbed on the sea by the king's enemies of France, they which undertook the conduct may be made come into this present parliament, to make gree to the merchants, who by their default have lost their goods: To which the king answers, let persons and places be assigned for hearing the plaints of all that will complain, to the end right and reason may be fully done to the plaintiff.

22d Edw. III. N. 7. the commons petition, That all wool, and other merchandize, may freely pass; to which the king answers, That the passage shall be free, paying to the king his due.

[1] Page 6. [2] Page 31. [3] Page 6 and 22. [4] Page 29, 37, and 39.

So in the 36th of Edward III. the king consents to a statute for the yearly holding a parliament.[1]

So the 45th of Edw. III. Numb. 31. when the commons affirm the decay of the navy to arise by three causes, viz. First, for that sundry mens ships are staid for the king long before they serve, whereby the owners are driven at their charges to find their mariners, to their undoing. Secondly, For that merchants, the nourishers of the navy, are often restrained their shipping, whereby mariners are driven to seek other trades and livings. Thirdly, For that the masters of the king's ships do take up masters of other ships, as good as themselves are; whereby the most of these ships do lie still, and the mariners are enforced to seek new livings, whereof they pray remedy. The king promises to provide a remedy.

Thus also in 1st Hen. IV. Thomas Arundel, Archbishop of Canterbury, by the king's command, tells them in parliament, That it is the king's will to govern by the honourable, discreet, and sage of the realm, and by their common consent, and not by his own will, nor after his own fashion, to rule the same; and further enforced, that this realm, of any under the sun, might best live of itself.

And in the 5th of Hen. IV. at the request of the commons, the lords according that four special persons should be removed out of the king's house, viz. the king's confessor, the abbot of Dore, Mr Richard Durham, and Crosby of the chamber; whereupon, Saturday the ninth of February, the said confessor, Durham and Crosby, came into the parliament before the king and lords, where the king excused them, saying, That he then knew no cause wherefore they should be removed, but only for that they were hated of the people, and therefore charged them to depart from his house according to the agreement; and the like he would have also procured against the abbot, if he had been present.

I am the more particular in these things, in answer to that assertion of the industrious Mr Prynn,[2] That the kings created and set up merely by parliaments, and their own power in them, without any true and hereditary title, have seldom answered the lords and commons expectations in the preservation of their just laws, and answers to their petitions.

It would exceed the bounds of a preface to go through the rest of these memoirs. The drift of the whole, however it be disguised, is to tell the world, in my Lord Anglesey's name, that the business of Sir Edm. Godfrey, the firing of London, the popish plot, were only fears, jealousies, and surmises.[3] That the evidence did not rise high and clear enough to charge any papist with it, however the parliament and a great minister threw the guilt on them. But how probable it is that my Lord Anglesey should be of this opinion, that he should believe nothing of the popish plot, that, without malice, motive, or evidence, he should give his voice for the condemnation of my Lord Stafford, a person he himself thought innocent, that he should be, first, so much a monster, and then so meer a natural, as under his own hand to testify as much? Whether all this looks not more like the fiction and forgery of the publisher than the genuine sense of that great lord let every unprejudiced reader judge.

HAVING, by the obligations of your royal predecessors, to my ancestors and me, for several generations, laid under the strictest bonds of duty and allegiance, to employ my studies, long observation and experience, for the furtherance of the service of the crown

[1] Note.—According to the practice and usage of that time, a parliament signifies a new parliament; the sense and meaning of the law was, That there should be a new parliament chose in the time prescribed, which appears by this, that from the first of Edward the Third to the fourteenth of Henry the Fourth, which was but 87 years, there are yet remaining, besides what are lost by the injury of time, and carelessness of keepers, about 72 original writs.

[2] See Prynn's Preface to Sir R. Cotton's Records, Sect. 14.

[3] Mem. P. 112. *Orig. Notes.*

and weal public, I could not contrive how to do it better and more effectually, than by offering the same to your majesty's view and royal consideration, by this scheme thereof, which is without intrigue for any party's animosity, or envy against any persons, or design of advantage or advancement to myself, or any relation or friends of mine. And the nature of true gratitude being to acknowledge and render service for favours received, without ambitious practice or expectation of further reward or recompence, than what shall freely flow from your majesty's spontaneous goodness and consideration, how to dispose of your subjects, so as may most advance your glory, and render you a redoubted king to your own people, and highly esteemed and courted by all your allies and other princes abroad, I have spent many hours to do it, in the best manner I am able, by the following discourse; which is not the result of melancholy and discontented thoughts, but of the most serious and dutiful consideration of the present state of your majesty's affairs, and how I might best serve you, in contributing to render your reign happy and peaceable.

Your majesty's discerning judgment cannot but perceive of what high esteem with all your people the wise and prosperous government of Queen Elizabeth over these kingdoms is to this day; and by what able counsellors (generally the choice of her own wisdom and knowledge, not private inclinations or respects) she swayed the scepter thereof, during a long reign, to the universal satisfaction of her subjects, and her great honour over all the world: and how in her time she made the right use of parliaments, (her great council) delighting in the frequency and faithfulness thereof, and in the unanimity of her people, whereof that most honourable assembly, well managed, will ever be the surest bond to your majesty and all your successors. In her time England flourished; religion, the darling thereof, prospered, and was firmly settled; none durst attempt incroachment upon the rights and liberties of the subject: The laws had their uninterrupted course, and the several benches were supplied with most able judges, who held it their honour and duty to serve that renowned queen, on the profits arising legally by their places, without further charge to the crown, or reward, but advancement to higher degrees, after long and faithful service, which the queen was a great observer and judge of. Your majesty's royal grandfather King James, as he followed her steps, continued most of her council, built upon the happy foundations she had laid; had a prosperous and peaceable reign, without other interruption than what arose by heats between his majesty and some of his parliaments, which it is some blemish on that time, that they were not managed so dexterously as they had been in his predecessor's time, and was an introduction to succeeding mischiefs.

Your majesty's royal father was under some impression from the same cause, and by the long discontinuance of parliaments, discontents increased, jealousies were fomented, and affairs by ill ministers, and the unhappy accidents and juncture of the times, brought to such a crisis, that when a parliament was called, in the seventeenth year of his majesty's reign, and soon dissolved in heat and dissatisfaction, the necessity of affairs, and intervening misfortunes, and unhappy circumstances, soon brought on the great council of the peers; and by their advice, as the only remedy for growing evils, and to prevent impending mischiefs, another parliament was called and sat the same year; but by an unadvised act therein passed, derogatory to the king's prerogative, relative to parliaments, and temporarily changing the very constitution thereof, a foundation was laid for those divisions and miseries which ensued, and ended not with the ruin of that parliament, and the destruction of that great prince, to the high dishonour of the English nation; but were continued by many changes of hands and powers, till, by the wonderful providence of God, and love and duty of your subjects, your majesty was (by a parliament, assembled as the necessity of the time required, by your honest subjects usurping that incommunicable prerogative of the crown, for the restitution of monarchy itself) called home from your banishment, and restored to the throne of your ancestors,

with the greatest and most unanimous joy and acclamation of your people, that had been in any age of kingdom. And your majesty has reigned many years since, fond of, and in love with, parliaments, and received those marks and effects of their affection and freeness to your majesty, by the settlement of a large revenue, and otherwise, which all your predecessors, from the very original of parliaments put together, had not done; to the envy, no doubt, of all other kings and princes, especially of the ancient enemies of England.

The unhappy interruption that seems to be of late to those halcyon days, and the occasions thereof, are secrets of state which none must presume to be bold with, till your majesty's royal heart, which cannot but be touched with a just and sad sense thereof, shall incline to call for serious and free councils thereupon; by which it is not impossible to be informed how the change hath come, and by what means your majesty's reign may continue suitable to those beginnings and former happiness, till the aged conclusion thereof, which all your good subjects wish you.

Towards this, nevertheless, as far as I may adventure in generals (and out of an honest and dutiful mind) without being called, give me leave to unburthen my soul to your majesty, as followeth:

I know nothing more inclines a people to reverence and admire their king, than to see his affairs so governed that he needs not the supplies of his subjects; and that he lets them find that he is so far from a mind to invade their liberties, or to advance his own condition and greatness by the diminution of theirs, that he counts himself in this happy above the most absolute monarchs, that he is king of a rich, free, stout, and mighty people; and that he takes content, bountifully to expend his whole royal revenue (as your majesty doth, though it be double to that of any your famous progenitors) for the honour, greatness, and safety of your kingdoms, and in bounties to your subjects; wherein if your majesty hath exceeded (to the contracting of a troublesome and dangerous debt) counsels ought to be offered how you may be extricated, and supplies come from your subjects in parliament, not as the fruits of practice and importunity, but as grateful returns for benign and good government, as they were in the time of Queen Elizabeth.

Towards the accomplishing hereof, your majesty may please to consider, and be informed, by means that may be offered, of all the particular bounties and favours that have flown from you since your restoration:

And have a book prepared for you, as King Henry VII., a wise prince had, of all that have merited from, or been obliged and rewarded by the crown; which your majesty may consult as a guide to you, additional to your personal knowledge of men (which is greater than any your predecessors had) before you resolve on any grant or bounty; wherein none ought to importune the king, but leave him to his own time and consideration; else the condition of modest men will be desperate, and the boldest beggars (though, perhaps, the unfittest persons) will be the surest speeders; princes, through their bountiful inclination and uneasiness at trouble, being more subject to be wrought upon by importunity than other men: but when your majesty upon deliberation hath said the word, let it be sacred and unchangeable, except upon just cause avowed to the party's shame.

In my time, many are grown to great estates, under your majesty's royal father and yourself, and many are in a course to arrive at the like, whilst your majesty sinks into a debt; from such you may confidently require diligent and faithful service and care, to ease your majesty, and do your work; so that your honour and dignity may be supported, and so that all your subjects may see and rejoice, that you have conferred your favours on such as render themselves worthy thereof, and ease the great pains and troubles that attend so weighty a crown as your majesty's is, to which their duty, as well as obligations, bind them; and the strife among them should be only, who should serve

so good a master best. I am sure I will have no difference with nor offend any of them, but upon that account: and therein I shall never doubt of protection and countenance from your majesty as far as I am trusted.

I know your majesty hath received much disquiet, by the attempts to weaken or shake the legal succession of the crown, against your majesty's declared resolution to the contrary; and cannot forget that I have often assured your majesty, such endeavours will be best diverted by wise and gentle handling of parliaments, and the right use of your house of peers, in such contests, wherein I have and shall ever be ready, in a parliamentary way, to do your majesty all the faithful service I am capable of, and to find out such expedients, as may satisfy your people, that their religion and liberties may be secured by other ways, that shall neither displease nor discompose your majesty, nor so much as raise in you a jealousy, that there is the least aim to invade your prerogative, or give you disquiet or disturbance.

It is within my memory, that the great case of habeas corpus, the business of the loans, &c. were bandied in parliament, viz. in the third year of your father's reign, which produced the petition of right to be made a law. After that, the case of ship money, which, for more assurance, after judgment in the House of Peers against it, by their ordinary authority and power of judicature, was branded and condemned by act of parliament as illegal and arbitrary, and all the judges questioned for their extra-judicial opinions; and yet, in this case, not only his majesty's learned council, but all the judges upon a case stated, were unanimous for the king's right; but being drawn, *ex parte*, (as the other cases were also,) it was very easy through fear or weakness of judgment, or want of the due ventilation and digestion, that causes of such import were wont to have, after many days hearing of council on both sides, and arguments at the bar and bench, to engage in mistakes; which, therefore, afterwards came to a publick disquisition in the court of King's Bench, and by writ of error in the Exchequer chamber, upon the opposition of private subjects, who would not sit down in a case of that consequence, where they conceived and were advised the right lay on their sides, against the opinion of the judges; who, being pre-engaged by ex-judicial opinions, had before, both in the King's-Bench, and all the judges of England, except three or four in the Exchequer-chamber, upon the writ of error, given judgment against the subject, yet, by the division of the judges, when it came to be an Exchequer-chamber case, (which I heard entirely,) and the free and learned arguing thereof, and view of the records, for supporting of the liberties of the subject, the eyes of the people were so opened, that the opposition to the payment of it grew general; and the first parliament which was called after, (as is before mentioned,) put an end to that controversy for ever. The progress and conclusion of this case ought to sway with your majesty, to be wary and circumspect in all cases of law for the future, that are not warranted by known law and practice, appearing upon mature consideration and debate. For here was more than ordinary caution used, before the king would impose a new burthen upon his subjects, though his necessities were, by the long discontinuance of parliaments, and intervening accidents, very great; and he had better vouchers, than are ever like to be had again in a controversy between the king and the subject; and yet all came to a sad reckoning, and raised jealousies, which are not quite extinguished to this day, and which, by attempts in new cases, which draw consequences that will raise apprehensions of insecurity to the subject, may unhappily revive. I have always thought it more dangerous to the crown, by colour and pretence of legal authority, to do a thing of general and standing import and alarm to the subject, than, without consideration, to do transient acts of violence, which I am well assured your majesty never will.

And your majesty having, not only by your coronation oath, (at which I was present,) legally and solemnly obliged yourself to the laws and customs and good go-

vernment of England, but by many declarations since in parliament, and otherwise, to the great satisfaction of your people of all degrees, removed the apprehensions some had taken up to the contrary, and are by too many still retained and improved, from the late unexpected dissolution of diverse parliaments, and their proving abortive.

I cannot but in zeal to your majesty's honour and safety, and that it may not be in the power of any wicked instruments to foment jealousies, or to raise doubts any longer, humbly beseech your majesty, (since it cannot be supposed that your majesty is skilled in the knowledge of all the laws,) that in all cases of difficulty, and which are not of ordinary cognizance and practice, but such, wherein the lives, liberties, and properties of your subjects in general, may be concerned, your majesty, to the end you may perform what you intend to your people, will require the debates and advice of your council at law, and your privy-council, before your majesty be engaged in points of law, that upon further consideration and trial will not hold, but raise disputes and bring blemish upon your majesty's proceedings; which else must light upon those whose duty it is faithfully to advise your majesty, and within the bounds of your oath and legal pleasure, so often declared.

The late war between your royal father and his parliament was as little expected (as any is now) to arise in this kingdom; but it came on insensibly and by degrees, and the intervening of unlooked-for accidents, until it raised a current that carried all before it, and had a dreadful progress and conclusion; yet the rise of it was but fears and jealousies, (no bigger, I may say, than a man's hand visible to us,) whatsoever might be in the womb of Providence. It is true no arming or gathering of forces now appears; there is no parliament in being, nor act in force, for any to continue until they will dissolve themselves; but the same English people which they were wont to represent live in their own houses, claim their good old laws and liberties, and are watchful over them: Who knows what the present licentious paper war may produce? It is come to open quarrelling already, and quarrels bring bloodshed. The scene is only changed from skirmishes and battles in the fields, and sieges of cities and towns; it is come now to contention in every house, to altercations and fightings between sheriffs and other officers, grand juries and petty juries; and they and the courts of justice, who by law are the conservators of our peace, are engaged in the quarrels, and verdicts are found, and judgments given, as the litigant parties exceed one the other in power and practice, more than by the merits of the cause, which engageth almost the whole people of one side or other in every case.

So that now justice hath lost its old, deep, still channel, and all causes are carried by a fierce, impetuous torrent, which in time, (if not diverted,) may break all our banks, and prove a general inundation; for it is come to this already, that all reverence to ministerial officers, juries, and judges, is lost; and there is now no case of moment, almost, wherein there is not mustering of parties; and, instead of parliaments, appeals are made to the people, who can neither meet nor judge in a body, and therefore end all controversies by quarrelling parties, whose judgment, if it were legal, can neither be known nor executed but in parliament, where the collective body of your people meet by representation, and where these ill symptoms of a divided and distempered kingdom can only hope for and receive a cure, which God and your majesty grant.[1]

The Oracle of Truth hath said, "That a kingdom divided against itself cannot stand." Things frame as if it were the design, on all hands, to increase and foment divisions, instead of pacifying them; whence else is the intolerable licence of giving nick-names and marks of distinction and reproach to one another, to challenge and publish chartels of defiance, to scuffle and fight in the very streets and coffee-houses; and the dissenters in religion blamed and suffer for all this, as of old the cry was, *Christianos ad*

[1] This is a dreadful and just picture of these stormy times.

Leones, when there is such a general ferment of rancour and malice throughout the kingdom, as is never like to be removed, but by such remedies as shall be offered before I conclude?

To the discomposed estate of your majesty's own kingdoms, the disjointed and dangerous condition of Christendom, by the overgrown greatness and usurped dominion of the French king over other princes and states, doth not a little contribute; and when he shall have leisure and power to finish his secret councils and intrigues, to corrupt and engage in his designs your majesty's disaffected or ambitious subjects, or prevail with your majesty to believe that his purse or power, and strict friendship with your majesty, are necessary, or but probable means, to support your crown and dignity, and bridle the subjects which his artifices and insinuations have raised a jealousy of, it will occasion such a paroxism, and such convulsions in the state, as may dangerously shake and hazard the peace of your kingdoms, if not render your great and renowned government a prey to foreigners.

But the fatal cause of all our mischiefs, present or apprehended, and which, if not by wisdom antidoted, may raise a fire which will burn and consume to the very foundations, is the unhappy perversion of the Duke of York, (the next heir to the crown,) in point of religion, which naturally raises jealousy of the power, designs, and practices of the old enemies of our religion and liberties, and undermines and emasculates the courage and constancy even of those and their posterity, who have been as faithful to, and suffered as much for, the crown as any the most pleased or contented in our impending miseries can pretend to have done.

In short, though the supreme wheel of Providence must be owned in all that is or may come upon us, yet every one seems to be at work to dig the kingdom's grave; and if God hath determined our confusion, the least accidental disorder will too naturally bring things to a general complaint and quarrel about religion, laws, liberties, and properties, unless, before the gangrene spread further, it be, by competent and wise council and steady government, made appear, that all these are secured past the fear or apprehension of all good and prudent men, and thereby that handle of contention wrested from the enemies, foreign and domestic, of our religion and peace.

Towards the attaining that wished-for end, and the delivering us from our divisions and fears, and rendering your majesty and kingdom safe, glorious, and happy, I shall now set before your majesty the most proper means and remedies that occur to me, upon the most serious consideration.

1. To begin with parliaments, where your majesty is in your greatest glory, and your kingdom in its greatest strength, activity, and usefulness: Your majesty, by your many declarations of your love to, and delight in them, and resolution of frequent assembling them, hath set such an edge upon the spirits of your people, (ever fond of parliaments,) that hope deferred will make their hearts faint, and raise jealousies which may breed ill blood before their meeting. But, preparatory to a better understanding, it were to be wished, that the licentious liberty now taken to asperse the memory and weaken the very constitution and power of parliaments were seasonably discountenanced and corrected. The blaming and reprehending of parliaments, or either house thereof, is a peculiar prerogative fit for your majesty alone, (who are the head of them, and whose great councils they are,) and which is to be exercised, according to the example of your majesty's most wise and prosperous predecessors, only in parliament time, when they may be heard and acquit themselves; or any slips, errors, or faults that shall appear, may be reformed, amended, or redressed; or, in cases disputable, new remedies applied to prevent future contests. And as the people in general, out of parliament, have no authority herein, much less a part of them, so I count it of very pernicious example and consequence, and no ways serviceable to your majesty, by whomsoever encouraged, that any numbers or degrees of men have pre-

sumed, (under what colour soever,) to trample upon the honour of dissolved parliaments, and arraign their proceedings, which are only to be examined and judged by parliament, who can alone rectify the same, if found erroneous and unwarrantable.

And I heartily wish this innovation may not prove one of the greatest obstacles to a good intelligence the next parliament, and that it may never be questioned with too much heat and resentment; which whosoever shall be chosen to serve therein, may think it their concern to do effectually, for the safety and preserving the chief privileges and rights of parliament, which are freedom and protection, (so that none may entertain and vent dishonourable thoughts of them, to the violation of their good names or persons,) and an exemption from being questioned or impeached in any other court or place, but in that, the only supreme court of the kingdom.

2. It will be your honour and safety to encourage and employ your ancient and deserving nobility and gentry, whose interest in their countries will be of more use and avail to your majesty, than all the bold and confident undertakings of those who seek themselves chiefly in all their pretences of love and duty to your majesty, and really weaken and diminish the admiration, affection, and esteem, which otherwise (from your gracious and wise government) your majesty may have with all your people, who are the most dutiful and fond of their prince in the world, if well and kindly used, as the most turbulent and fierce under the sun, if, by ill or unsteady management of affairs, and too much subjecting of them to the will and humour of their fellow-subjects, and the oppressions which their too much presuming on his favour brings upon them, which they easily discover, (being a discerning people,) they find themselves transferred from the clemency, bounty, and kindness of their sovereign, and abandoned to the pride, malice, and imperious arbitrariness and will of those who are but subjects as well as they, and who want that natural affection and tenderness which their sovereign liege lord cannot but retain towards them, and whose wisdom, (which God, who advanceth them to the throne, usually endues them with,) must needs persuade him that he is weakened and made a less monarch, by the loss of the love and duty of his meanest subject.

3. The two great instruments of government with which your majesty, in right of your imperial crown, is solely entrusted by the law, are reward and punishment. Let the first be always dispensed freely, as your personal knowledge, or the best information that may be had, shall guide you, by your own immediate hand, that others may not receive the thanks and dependance due to you alone.

Sir Henry Sidney, great Sir Philip's father, who was lord-deputy of Ireland many times, and my great-grandfather, Sir John Perrot, who succeeded him in the same great charge and trust, and divers others, though they refused not to serve your predecessors, yet grew weary of the place, when in those troubled and dangerous times they were forced to spend of their own to support the dignity and honour of the crown. Such as serve your majesty so, in expectation of future regard to be had to their deserts, ought not to be forgotten when higher preferments, or more profitable, permanent, and easy happen than those they served in with submission and patient expectation. Nothing is more discouraging and offensive to the generality of subjects than to see men rise over hastily, and before their merits are known or taken notice of, perhaps whilst their demerit hath brought them into disesteem; whereas, those that are advanced by just degrees, and are seen shining in merit before they are clothed with honour or preferment, rejoice the kingdom, and are no more maligned than those who have served their apprenticeships and come to be lord-mayor.

Thus, in the best times, men have risen in the king's household, and in other establishments, from low degree; and, after long approved service and faithfulness, to high preferment and trust. And this encourageth industry and dutiful service, and is a

bond of safety; whereas bought preferment, or attained by ill arts, is odious and dangerous to the master; and when money is the only qualification, people mind solely how to come by that, let the means to accomplish it be what they will.

As for the other, which is punishment, let your majesty's love and clemency to your people make it appear to proceed from you unwillingly and of necessity, for the support and strengthening of government; and be so executed as that it may not seem, or so much as be suspected, to come from any principle of cruelty, or delight in the pressures or fall of any persons. The known clemency of a prince, and inclination to mercy, doth more to oblige subjects than the strongest impressions of dread or fear; it being natural to the veriest worm to turn again if he be unmercifully trod upon; and despair to please, or causeless conceived jealousy, many times occasions the loss of most useful and honest servants.

4. I know your majesty to be a great patron of the church and church-men, and therefore, for their sakes (who are seldom wise for themselves) I presume to implore, that you will never countenance any of them that shall busy themselves with matters of state and government out of their sphere. In all my reading and experience, I find that in the most dangerous disorders and revolutions of the world, they have ever had a principal hand; when their chief work should be to pray for and promote the peace of church and state in the calling God hath set them. And it never yet came under my observation or knowledge that any kingdom was happy or prosperous, where they had too great an influence, since the primitive time and zeal; nor that ever it succeeded well to themselves, or gained upon those under their charge, when they shewed themselves active in temporal affairs, having a calling competent to employ the whole man, and are to give themselves to all diligence and piety, wherein they are promised a blessing; as their great Master hath warned them, That His kingdom is not of this world; and that they should not fight, nor strive, nor entangle themselves with the affairs of this life. It is observable what the pretended power of one to do so, *in ordine ad spiritualia*, hath brought the world to, and how difficultly encroachments of that tribe are removed; your majesty is not to scruple the distinct and incommunicable exercise of that authority which the law gives you, and all your people have bound themselves to acknowledge your peculiar.

It is a hard imposition on your majesty, that you should (who are the father of your people) be called upon to imprison, confiscate, banish, or otherwise afflict and distress any of your peaceable and industrious subjects, because others take upon them (by what right let them consider) to denounce them excommunicate; that were to punish their bodies because their souls are punished, for the clergy cannot so much as pretend a power to go further. And the magistrate hath little reason to hearken to those clergymen who are so diffident of their pretended authority, that though they cry up the power of the keys as their office, yet, when they have done, yield it to be so uneffectual a shadow of power as can do nothing without the civil magistrate's force, below whom it is to be debased, to be the clergy's executioner in punishing before he have tried the cause. The magistrate that seeth a man excommunicated for his fault should rather delay his civil force against that man to see what effect his excommunication will have; for the conjunction of the sword with the excommunication makes the fruit of it undiscernable, so that none can see whether it did any thing at all, or whether all was done by the fear of the temporal sword. And to force ministers to absolve or give the holy sacrament to such as had rather take it than lie in gaol and be undone, is to set up such new terms of Christian communion as Christ never instituted nor will approve, church-communion being a privilege due only to volunteers and true penitents.

It were worthy your majesty to recommend for the clergy's practice and experience, the grace of self-denial they preach to others; for, generally, none live more easy and

pleasurable lives than they, instead of the primitive austerity, mortification, and piety; or less pity, or oppose differences and disorders; well were it if too many did not foment and encourage them. These things have brought that contempt upon many of the clergy, that I am sorry to see, who remember the times, when for their unblameable life, painful discharge of their calling, hospitality, and watchfulness over men's souls, those of their flocks thought nothing too much, and were ready to pull out their right eyes for them.

5. As a prime foundation of your majesty's greatness and honour, let the settlement and increase of your majesty's revenue be laid to heart. I have often secretly lamented to see your majesty, who have the greatest and surest revenue of any potentate in Christendom but one, many times brought to such great streights by the ill management thereof, that I know not whether your majesty did not enjoy yourself more in the time of your exile, being deprived of all your own, than you do now; and your servants and followers better contented with hopes and expectations than they are now with their lank enjoyments, retrenchments, and suspensions.

Towards the redress hereof such should be sought out and encouraged that are able and willing to improve your revenue to the best advantage, without greedy pursuit of their own private gain; such men, no doubt, your majesty's kingdom doth afford, and may be found; and by a just calculation of the vast estates some have raised to themselves by a loose, low, and despicable way of ordering it, it will appear how and by what means your majesty becomes poor whilst others wallow in your riches; and what a vast detriment you are at till this great work be vigorously taken in hand and regulated, by which, no doubt, your revenue may be raised to some hundred thousands of pounds sterling above what it now amounts to. Let me bear the disgrace of being accounted an impostor if I evince not what I have said; and then your majesty will be the best judge how you have been served since your restoration: Though I accuse none that have served you hitherto, but desire all errors and failings may be remitted and forgotten upon condition that they who have had the misfortune (to give it no worse a character) of coming short of doing your majesty that service which is now proposed, may, with patience, and without envy or practice, see you better served by others for the future

The shrunk sinews of your government being thus enlarged and strengthened, and the design appearing certain to your majesty, I do humbly propose,

I. That the greatness of your household may be restored to that of your most renowned predecessors; this will indeed advance your honour and esteem both at home and abroad. I who have lived to see the great hall of the king's house, and his cellars, buttery, and pantry, full of strangers at dinner, and between meals, have been heartily ashamed to see the times when a dinner, or a cup of wine, is hardly to be had for the best guests; nor so much as food for his council and other great persons that attend in progress, and when the court is in the country. When in parliament, your majesty had a full and ample recompence given you for purveyance, and which will more than doubly supply the want thereof; it was little expected things would come to this pass. But though there was then no appropriating of the hereditary excise granted in recompence, their intention that it should be so applied did sufficiently appear, and hath been generally expected.

II. The plentiful provision for your household having set your majesty and family at ease, the second thing to be cared for is the security of your majesty and government, by a well established provision for your new guards, till the unanimous love of your people, which I will not despair to see, may make your majesty judge it a superfluous charge; and the old guards, your majesty's ancestors were safe in, with the united affection of all your subjects (which you will deserve as well as any that ever swayed the scepter of this kingdom) sufficient.

III. To uphold your sovereignty of the seas, and to procure your majesty's being feared and redoubted abroad, and your subjects accounting themselves safe at home; and in their trade and commerce to all parts of the world whither they should carry your name and fame, nothing will contribute more than a powerful fleet, which the circumstances of affairs, and the change thereof in that point all the world over require, should much exceed those of your predecessors, though they ever claimed the dominion of the seas; and that the best use may be made thereof, and with best husbandry and most certainty; that your store-houses, yards, and wharfs may be timely replenished with all warlike provisions and necessaries whatsoever for the speedy setting out of fleets to sea, and your ships kept always in good repair for that end; without which such surprizes may happen as we have formerly felt, and occasions for service, never again to be recovered, may be lost, both being equally dishonourable and mischievous to your majesty and kingdoms.

IV. The next thing to assure the obedience of your subjects, and to advance your majesty's honour and esteem among all, is to provide that the course of justice may run uninterrupted; this being the chief end that the chief magistrates, or kings, are advanced above their brethren, and have a divine stamp set upon their authority as a bond of awe and obedience. In order hereunto, let your majesty's principal care be to chuse freely the most able and honest men, and of the greatest integrity, for judges in all the courts; they who punish others had need be very unblameable themselves. And here it ought to be well considered, whether, of all persons, judges should not hold by the freest tenure, and enjoy their places *quamdiu se bene gesserint* at least, and never be discountenanced or displaced but upon good proof of crimes or offences which render them unworthy that trust and dignity, and their punishment for which will rejoice your subjects. They, of all men, ought to be placed above the temptations of hopes or fears as much as is possible; then judgment will run down like a stream, and righteousness like mighty waters.

And where justice is to flow immediately from your majesty, as towards all officers and domestics that hold by no tenure but your royal pleasure, care would be taken of every step leading thereunto. Pick-thank informers and sycophants are the worst instruments that can get into princes courts; but if they do, they are not to be admitted to the king's ear; nevertheless, if intruders happen, let your majesty be so upon your guard that no man be undermined, borne down, or ruined by a whisper. It is but justice for your majesty to hear a servant you have esteemed, or perhaps rewarded as faithful, before you condemn or grieve him, or to make way, it may be, for a worse prejudice yourself, and undo him and his family; such errors many times cost princes dear. And your resolution being known, to hear before you judge, you will be delivered from tale-bearers and mean spirits that have not the courage or honesty to avow the accusations they make; and when just complaints are brought before you, by honest and owned informations, your majesty may be judge yourself; whereas otherwise, your majesty is but made the executioner of vile men's malice, villainy, or ambition; and your best and most useful and faithful servants may be whispered from you, and your majesty left in the hands of those who, for ends human frailty and designing ambitious men are subject to, will not spare to ruin or betray your majesty for advantage, the same secret way they destroyed their fellow subjects unseen.

Whereas those who intend your majesty real service will openly, and like men of honour (who fear the frown of no man) charge the guilty for justice sake.

Another main branch of justice is (that you may be king of all your subjects hearts) to find out ways to unite your people, and for that happy end, to avoid countenancing divided and dividing addresses, and invasions upon the liberties and franchise of your people, granted by your royal predecessors, or yourself; especially when the train and

design of them is visible, or hath its rise from your own court, or tend to foment heats and discontents, and raise jealousies.

The great Lord Bacon, Viscount St Alban's, who was not only a wise statesman, but Lord Chancellor of England, adviseth the king to be of no faction or party, but to make use of and be above all, if any be in his kingdom, or they will much prejudice his authority and business. If any great man, or others, be suspected, on good grounds, guilty of dangerous practice or crime, let the authority of the law, and not the cry of the people, (whether by art or inclination drawn to it) bear them down, who bawl Hosanna and Crucify, with equal zeal even against their Saviour; better it were that ten malefactors escape, than one innocent person should suffer by practice, injustice, or violence.

I should rejoice to see your people unanimously kind to your majesty, but for any to pretend it in diminution of better subjects than themselves, and in ways provoking, offensive, and reproachful, tending to the disquiet of your majesty, and disturbance of the peace of the kingdom, all good and wise men from their very souls abhor, as time will shew, when this land-flood of contention and humour, if not jesuitical practice, hath spent itself, which it will soon do, if not dangerously kept up and countenanced; in which case, as a kingdom divided against itself cannot stand, so, if my fears upon such intrigues succeed till the breach be wide as the sea, I have delivered my own soul by this timely warning, which I hope you will graciously consider. And the working pens of libellers being daily at work, to undermine our peace, and foment divisions, not unlikely employed by the worst enemies of this kingdom and government, it will be the highest recommendation of your majesty's kindness to, and care of your people, that this foul common-sewer of distempered brains and tainted hearts be diverted or shut up, lest it infect and poison the whole kingdom past recovery, and render the happiest church and state in the world a scorn to fools. And to prevent so great mischief, it will be as glorious in your majesty, to discountenance even the libellers, boldly pretending to write in support of the crown (which, God be thanked, stands as unshaken upon your majesty's head, as upon that of the greatest of your ancestors) as to punish others upon vain pretences, taking the same licence; so that the silencing and confusion of all libellers, as far as the law will warrant, may be one happy effect of your majesty's good and powerful government; and when the make-bates and sowers of division cease, then mutual love may be restored.

V. The last thing I shall trouble your majesty with is concerning the provident management of your revenue, which will be the greatest help to keep all the parts of your government in order.

I know well, and can make it manifest beyond contradiction, that vast reducements may be made of your charge in England, to general satisfaction, and with the discontent only of greedy officers and suitors, whose places may be better supplied of meritorious persons, or their issue, who being entailed to the crown by former favours to them or their ancestors for just merit, must be accounted better and stronger supports to your majesty, than those whose ambition or covetousness makes them crowd the court; yet never to entail your favours to any will beget diligence, and raise expectation in your followers and dependants.

I beseech your majesty to consider, what great things the crown of England hath done in former ages, with its own bare revenue, and by the love of its subjects, both in England, Ireland, and foreign countries; how your majesty comes now to be in pinching wants, and none of those great undertakings upon your hands, is fit to be enquired. One thing is obvious to me, which will persuade that other instances of ill management and mispence may be produced. Your majesty spends now yearly in Ireland's full peace, more than served to defray the charges of the crown, in the greatest rebellions of the Oneils, Tirones, Desmonds, and others; nay, I want not good

warrant to assure your majesty, that the chief governor's profits alone in that kingdom amount to more now than maintained the government of Ireland, both in the civil and military estate thereof, in some of the troubled and dangerous times of that kingdom; and hath incident to his office diverse favours, civil, ecclesiastical, and military, to oblige your subjects both great and small with, which should most properly be dispensed by your majesty's own hand, to weaken dependence on fellow subjects, and fix greater and stronger on your majesty.

To conclude, Though your majesty is in your own person above the reach of law, and sovereign of all your people, yet the law is your master and instructor how to govern, and your subjects assure themselves, you will never attempt the enervating that law by which you are king, and which you have not only by frequent declarations, but by solemn oath upon your throne, been obliged, in a most glorious presence of your people, to the maintenance of; and that therefore you will look upon any that shall propose or advise to the contrary as unfit persons to be near you; and on those who shall persuade you it is lawful, as sordid flatterers, and the worst and most dangerous enemies you and your kingdom have. What I set before your majesty, I have written freely, and like a sworn faithful counsellor; perhaps not like a wise man, with regard to myself, as things stand; but I have discharged my duty, and shall count it a reward if your majesty vouchsafe to read what I durst not but write, and which I beseech God to give a blessing to.

The Character of an Honest Man; whether stiled Whig or Tory, and his Opposite, the Knave: Together with some short Reflections on some Passages in a late Pamphlet, called The Character of a Popish Successor, and Considerations thereupon. By a Lover of Truth and Peace.

Sola honesta utilia
Omnia si perdas animam servare memento.

Anno 1683.

Elkanah Settle, well known as the unworthy competitor with Dryden for the public applause, was author of the celebrated pamphlet entitled "The Character of a Popish Successor, and what England might expect from one," in which he painted what might be expected from the Duke of York's bigotry in the blackest and most desperate colours. The tract becoming popular, a number of answers were written, many of which, as is usual in controversy, assumed a name resembling the title of the original. Thus there was a Character of the True-blue Protestant Poet, the Character of a Papist in Masquerade, the Character of a Rebellion, and among others the following Character of an Honest Man.

In April 1683, Settle retracted, and published a narrative, in which he declared that his sole motive for writing the Character of a Popish Successor was some private pique against the Duke of York about a play. He further informs us, that he had shewn the piece in MS. to *his noble Aldersgate friend* (Lord Shaftesbury,) who mended it a little, but censured the author for not speaking favourably enough of rebellion. Elkanah's evidence, however, is scarcely to be relied upon, for he had changed sides so effectually, that he wrote animadversions on Lord Russel's dying speech, and a panegyric on judge Jefferies.

It is a wise observation, made by a learned and worthy person of our age, That the name of a Christian is become too general to express our faith, there being a geography of religions as well as lands. But that there should be found a kind of geography of religions among protestants is more especially of very sad and serious consideration to all that own that title, and truly are such; from these differences in religion, and dividing us into sects and factions, there must of necessity arise different names to distinguish them one from another. Therefore, in the first place, they that make and cause schisms, factions, and divisions in the truly reformed protestant church of England, upon them will doubtless lie all the blame and guilt of those differences and different names amongst us.

Now as to those two great distinguishing names of Whig and Tory, of late arose amongst us. The name of Whig[1] began in Scotland in the year 164$\frac{7}{8}$, when Duke Hamilton, by order of the parliament, invaded the kingdom of England for relief of his majesty, then in the Isle of Wight: for no sooner did he invade England, but they rose in rebellion against the then parliament that then was loyal, and after the defeat of Duke Hamilton, called in Oliver Cromwell to their assistance against the Earl of Lanrick, the duke's own brother, upon which a ballad, but never suffered to be printed, was then made with this burthen, Away, Whigs, away, &c.[2] Which name of Whig being revived again of late years in Scotland, when the Scottish presbyterians, in sense of the obligation of their covenant, did meet at their field conventicles in spight of magistrates and laws, as they pretended to preach, pray, and worship God, but in truth, under that religious cover, as it plainly afterward appeared, to encourage, list, enrol, and muster their troops and companies, preparatory to that formidable rebellion that presently after broke out, headed by their principal ministers and preachers. This name of Whig only importing a factious and seditious fellow, as I humbly conceive. And when the presbyterian and fanatick party in England (upon the discovery of the popish plot) began to bustle and be rampant, and at least to shew themselves ready to play the same game of sedition and rebellion in England, (they still owning and adhering to the seditious principles of their brethren in Scotland,) the truly loyal party, the true protestants of the church of England, did think fit to apply the same name of Whig to the same kind of people here in England, and against which I see no reason, especially when they seem so willing to accept of the same, and not to be ashamed of it, but rather to glory in it, as a name that imports (as they would make us believe) religion, loyalty, integrity. But presently upon this, that non-conformist party (to their honour be it spoken) that they might, according to their usual custom, shew their inveterate malice and revenge, in which they were resolved not to be children, or out-done by the worst of their enemies, they retorted that ugly name of Tory upon all the truly loyal protestants of the church of England, making them all papists, or at best popishly affected, out-laws, robbers, such as our law saith have *Caput Lupinum*, fit and ready to be destroyed and knocked on the head by any one that could meet with them, but at best, to be such persons as refused to have Christ to reign over them, and therefore those words of his might be applied to them, "Bring them hither, and slay them before me."[3]

[1] The men of the western shires of Scotland used the word *whig whig*, in driving their horses. A tumultuous band of the peasantry of Ayrshire and Renfrewshire, which drove the committee of estates from Edinburgh, in 1648, received, from this circumstance, the name of the *Whigamore's Raid.*

[2] There is an old jacobite song with a similar burden,

> Awa' Whigs awa,' awa Whigs awa,'
> Ye're but a pack o' traitor lowns can do nae gude at a'.

[3] Tories was a name originally given to the Irish banditti and bog-trotters, transferred from them to the Irish Catholics, who usually attended the Duke of York, and at length extended to all the monarchical faction.

But, not to give you or myself any further trouble about the original or signification of the said names, but in this great confusion of names and persons (wherein possibly there is great mistakes in misapplying those names to several persons,) some honest men going under that name of Whig sometimes, as well as some dissolute and debauched persons that go under the names of Tories, who will never be any credit, but disgrace and prejudice, to the cause they seem to espouse. To give you the true difference and distinction between an honest christian man, and a knave or hypocrite. It being the best way I know to end the controversy, and that we may all readily meet and concenter in honesty and integrity, and in such honest and upright actions, which will only denominate us Christians in truth and sincerity. And indeed, as a late worthy author hath observed, if there be any use at all of opprobrious railing words, it must be either in reproof, or in the administration of justice. And certainly it were a great happiness to us in this nation, that we all were of that Roman gentleman's disposition of whom it is recorded, *Nescivit quid esset maledicere*, he knew not how to speak contumeliously to any man.

It is a thing most plain and evident, that the rise of most, or all the errors, heresies, seditious and rebellious principles and practices of our times, arises from the spirit of atheism, irreligion, dishonesty, and knavery abounding in men's hearts; for wisdom will not dwell with polluted souls, as the wise man speaketh. No wonder to see men hug their vices, to see the debauchees of our times plead for and defend their bestialities; or the seditious and disloyal schismaticks, their undutiful, seditious, and disloyal actions and deportment towards their prince, and spiritual governors; yea, to see the aforesaid wickednesses so much to abound among us, that it is become a crime for a man to shew his zeal and affection to God, to his laws, to religion, and his prince and lawful governor. Therefore, that honesty and integrity, the genuine and proper fruit of true religion, be not lost in this confusion and crowd, let us consider the Honest Man and the Knave.

First, as to the Honest Man.

The honest Christian man is such an one that really hath great respect for God, and shews it upon all occasions, not in notions and talk, but in practice.

Honest Man.

He is one that, next to his respects to God and religion, looks upon it as his great duty to honour and reverence his prince and sovereign, God's vice-gerent on earth; he dares not be so impudent to call God father, and yet to despise his anointed, but renders unto Cæsar the things that are Cæsar's, as well as unto God the things that are God's.

Honest Man.

He is one that would not do the least evil, and thereby sin against God, and violate his conscience, for the greatest tem-

Then as to the Knave or Hypocrite.

The knave, or hypocrite, is one that maketh great pretences to God and religion, but it is only in shew, not in heart; he hath all his religion in his tongue, but little or none in his actions, of whom it may be said, *Quid prodest verbis tantum philosophari.*

Knave.

He is one that thinks his prince is in nature of the people's servant, and takes himself to be a proper judge of his prince's actions; and that whenever he apprehends his prince doth amiss in government, he may presently lawfully be a rebel, and resist him.

Knave.

He is one that matters not his duty, his soul and conscience, so that he may advance his interest, and obtain his will, and

poral advantage; he looks at his duty, and not at his seeming interest and advantage, knowing that in faithfully doing his duty lies his greatest interest and safety.

Honest Man.

He is one that cannot easily be perswaded, that such a person, that is of such a conversation as bids defiance to God and all his laws, can make conscience of what he swears before a magistrate, and is very tender of taking away any man's life upon such evidence.

Honest Man.

He is one that judgeth, that if the famous Queen Elizabeth had been disinherited, and put by her succession to the crown by her sister Queen Mary, and her popish parliaments, upon pretence that she was a protestant, it had been an unworthy, and an unjust, and wicked action.

Honest Man.

He is one that thinks, that the interest and welfare of the prince and his people are all one, and cannot be separated, and that the safety and welfare of himself and family necessarily depend upon their happiness and welfare.

Honest Man.

He is one that thinks that his lawful prince and governor is Charles by the grace of God, viz. is by God's appointment, and not made by the people, and so honoureth and obeyeth him, as set over him by God Almighty, the supreme governor of the world, for the welfare of the people.

Honest Man.

He is one that thinketh, that, (according to the true Christian doctrine, professed and maintained by the true reformed protestant church of England,) his prince is accountable only to God, and not to man for his actions; according as our laws with great pretences of religion and conscience will play the knave for advantage, and values not his soul, so he may save his skin.

Knave.

He is one that cares not to applaud and make use of such persons as carry on his cause and design, and to advance his own ends and purposes, that values not *per fas et nefas*, to obtain his wicked purposes.

Knave.

He is one that, although he pretends himself to be a protestant, doth justify such proceedings which lead him to these absurdities, that the end of a thing being good, will sanctify the means, although never so wicked; and that what had been wickedly done by the papists had changed its nature and become good, if it had been done by protestants.

Knave.

He is one that continually talks of the party, and the patriots for the people, and doth endeavour to divide their joint interest one from the other, and make schisms and rents in the state between prince and people.

Knave.

He is one that thinketh his prince is a creature of the people's making, and judgeth, that he may and ought to be called in question by the people, to give an account of his stewardship, whenever the people think he rules amiss, and may be deposed also, and however he goes no farther with the jesuit, yet the natural consequence of deposing proves murthering their prince at last.

Knave.

He is one that judgeth this is court-flattery, that this is only court-doctrine, and not Christian: But that this priviledge is given to the saints to bind their kings in chains, and their nobles in fetters of iron.

also determine, that the king can do no wrong.

Honest Man.

He is one that looketh upon himself to be most strictly obliged by God, to be loyal and faithful to his prince, and more especially when he hath bound himself by his oath of allegiance; and judgeth that neither people nor presbyter with his covenant can absolve him from the same.

Knave.

He is one that takes the oath of allegiance, and after that the covenant with a limitation of his allegiance; then after that the engagement, and after that again the oath of allegiance; and the test, and what not: He cares not how he swears and forswears, and at last is as great a knave as he was at first, and hugs disloyalty in his bosom, against the time of the next resurrection of a second Cromwell and the good old cause.

Honest Man.

He is one who, when the king and kingdom's safety is concerned, willingly exposeth himself to all hazards and dangers, and will die at his prince's command in his defence, with these words in his mouth, *Dulce est pro principe et patriâ mori.*

Knave.

He is one who, when his prince is in dangers and streights, will do as wicked Shimei did to good David, defame and vilify him, curse and reproach him, and when there is an opportunity, take part with, and actually assist a rebellious Absalom against his father.

Honest Man.

He is one that abhors, from his soul, that accursed and pernicious doctrine and position, that a lawful prince, when he misgoverns, may be resisted and withstood, and by subjects of any degree whatsoever; and that they are proper judges over their prince and governour, well knowing, and wisely considering, that once granting this privilege to subjects, and that they might terminate their loyalty at their pleasure, and be sole judges in their own case, no government could be secure, nor no prince in safety one moment, no longer than power and force were wanting in the people to effect their wills.

Knave.

He highly extols his own loyalty, and will needs be one of his prince's best subjects, although he strictly adheres to such desperate principles of rebellion and mischief, which, if put in practice, would ruin and destroy his prince, yea overturn the whole world, and reduce it to its first original chaos of confusion; yea he is such a one that would impose on his prince such hard conditions in governing, upon which he himself would be loth to accept of a crown, if it was offered him; nay, such terms as upon which the devil himself, the worst of creatures, would refuse a crown, if it were offered him; for he is too subtil and cunning to be in mercy of that monster of the common people.

Honest Man.

He is one that loves his prince, and therefore cannot be so contradictious, as to reproach, or hate; his loyal brother, especially he having so often exposed himself to great dangers for the kingdom's safety and welfare, they being now the only remains of that royal martyr, whom

Knave.

He is one that pretends love to his prince, yet cannot refrain from reproaching and casting all the odium possible upon his royal and loyal brother, whom the king so entirely loves.

he can hardly yet call to mind without tears.

Honest Man.

He is one that not only conscientiously observes the fasts and festivals of the church, but also those of the state, the 5th of November, the 30th of January, and 29th of May; for as he cannot but with grief, sorrow, and detestation, remember that accursed wickedness committed upon our martyred sovereign, and earnestly beg of Almighty God not to charge upon this nation the guilt of that innocent blood, so he cannot but give hearty thanks for those great and wonderful deliverances to this nation, especially that in restoring to us our prince, and those many happinesses we enjoy under his gracious government.

Knave.

He is one that pretends to be mighty zealous in observing the festival of Sunday, or the Lord's-day, which he calls the Sabbath, and thinks that will serve in exchange for all the rest; yea, he will tell us with great confidence, that he is very loyal, and loves his prince, and abominates the murther of his father, although he neither observes either the 30th of January, or 29th of May, when the laws require also the same of him. And when certainly the refusing or neglecting to observe the 30th of January cannot amount to less than tacitly, and by consequence, justifying and approving the said horrid villainy then acted, which I hope they will be so wise as to consider of against the next 30th of January.

Honest Man.

He is one that, next his temporal parent his prince, the *Pater Patriæ*, bears great respect to his mother the Church, the ecclesiastical governors of this famous and best reformed protestant church of England as now by law established, the only bulwark and defence of all the protestant churches in the world; submitting himself to her laws and government, knowing, and wisely considering, that if she fall the protestant interest cannot stand, and therefore he is willing and ready to vindicate her liturgy and government, her officers and ministers, when aspersed by wicked adversaries.

Knave.

He is one that pretends himself to be a protestant, yea, the only true protestant, because he is a dissenter from Rome; yet not only contemns, despiseth, and vilifieth the church of England and her government and liturgy. And sometimes he goes farther, and pretends to be a true son of the church, as it is by law established, yet can find in his heart to disgrace, disparage, and cast all the dirt he can meet with at her clergy, and intimately comply with phanaticks, the church's implacable enemies; and calls himself a protestant, and the only protestant, when he is hardly a Christian.

Honest Man.

He is one, who although he cannot clear all the clergy of the church of England from irregularities and scandals, (it being impossible that any church in the world, in this state of imperfection wherein we live, should be free without spot or blemish;) especially considering that when our blessed Saviour was upon the earth, and had but twelve in his family, and yet one of them (though an apostle) was a devil, and that *nullum unquam ingenium pla-*

Knave.

He is one that, without any sense of human frailty, abandoning all charity, cares not what lies and slanders he raises and fomenteth, even such as are false and black as hell. He is not ashamed to brand most, if not all, our worthy clergy of the church of England, with the name of drunken parsons, and all the true sons of the church with the same title, or else with the name of papists, so that it is impossible that any one should escape; for if some be of a more

cuit sine veniâ, that no man lives without fault; and that it would be a miracle therefore, especially in this degenerate and debauched age we live in, that our clergy should wholly escape the general contagion. But, notwithstanding this, he bids him that is without sin among those of our church's enemies, to throw the first stone at them; for he judges that they are guilty of the greater crimes, as pride, peevishness, implacable malice, and revenge, that makes them most like the devil, and that *melius est humilitas in malis, quam superbia in bonis.* However things are not as he could wish, he is most willing and ready to follow the example of the famous Constantine, who professed himself to be ready, if he knew of any grievous sins in any of his clergy, to hide and cover them from the eye of the world with his cloak, knowing well their faults would very much reflect on the honour of their Lord and Master and his holy religion. And he cannot but be true to the interest of the religion he professeth to own, and abhors to run with the hare and to take hold with the hound.

Honest Man.

He is one that credits and confides in his prince and sovereign, when he is graciously pleased to declare that he will rule according to his laws, and maintain the true protestant religion. This hath ever been the character of an honest mind, who is ready to trust another, thinking all men as honest as themselves, although they sometimes suffer thereby; but as to his prince, he looks upon it as his duty, which God Almighty hath laid upon him, to confide in him.

Honest Man.

He is one that is humble and peaceable, for humility and peaceableness ever accompany an honest heart. His great care is to bring water to allay those heats that are raised in church and state by the unfree and careless conversation, they are all papists, or popishly affected at the best. They have well studied that maxim, *Audacter calumniare semper aliquid hærebit, et calumnia leviter volat, sed graviter vulnerat, leviter volat, sed non tam leviter revocatur.* And, as a late worthy author hath observed, speaking of the vulgar and common sort of people, whom no kind of reason so much abuseth and carrieth away as when the discredit of the person is retorted on the cause, a master-piece of our adversaries late policies it was, as he observes, to put into the hands of the people such pamphlets, which did not hurt our cause at all, but our persons. To give you only a taste of their gross abuse of our clergy, I shall give it you in these two abusive lines of that worthy person therein mentioned:

Have you not seen the Dean of Paul's [1]
Irenicum withdrawn?
Blowing the coals for Rome, in hopes of
sleeves of lawn.

Knave.

He is one that is studious to raise up fears and jealousies in the hearts of the king's subjects against their prince, and publick transactions of the state, and thereby causing murmurings and complainings, seditions, tumults, and disorders, and sooner will give credence to a Fitz Harris than his gracious prince and governor; and delights, like the salamander, to live in the fire, although he will certainly perish also himself in the general ruin.

Knave.

He is one that is proud and insolent, heady, and high-minded, as St Jude stiles him who is impatient of being governed; would command all others, and be commanded by none himself. It is observed

[1] The celebrated Dr Stillingfleet had been engaged in a controversy with the papists, and in his tract entitled *Irenicum*, he had offered the basis of a comprehending system, which united protestants of all persuasions. But, as during the last years of Charles's reign, he sided with the court, he was unjustly charged with having become favourable to Rome. The verses are a parody on the concluding lines of the satire entitled The Young Statesman, imputedto Dryden.

ruly and boisterous lusts and passions of wicked men, threatning publick and general ruin; and notwithstanding the great cry against popery, thinks that there is at least as great danger to us from the want of true piety and religion, and from that horrid atheism and hypocrisy which he sees plainly to abound among us, and which he certainly knows will be our ruin if there were neither pope nor papist in the world. The principles of irreligion being that which will bring ruin upon any state or kingdom in the world; and humbly conceives that it is impossible to preserve unity without conformity to what is by law established.

Honest Man.

He is one that reads the sacred scriptures, and although not like that famous Christian who is said always to have read it upon his knees, yet with great humility and reverence; and is not so ready to interpret scripture as to read it; and takes the assistance of the best guides, the worthy pastors and ministers of the church wherein he lives, about the true sense and meaning of the same in doubtful and difficult places: and wisely thinks he may as well trust them with the interpretation of the doubtful places in scripture, as the translation of the scriptures; for if their honesty may be questioned in the lesser, the interpretation, it may be much more questioned in the greatest trust, which is the text itself. He considers, that advice once given to a vestal virgin, (*coli Deus sanctè magis quam scitè,*) hath in this great work of exposition of scripture an especial place; it is to be managed with fear and reverence, as a worthy author hath it.

by wise men, that those men which are overbusy are unfit to govern; for they move all things, and leave nothing without question and innovation; and, as the father speaks, they, (out of desire to amend what is already well) by these fiery dispositions, are raised divisions and confusions; and divided family against family, yea, a man against himself. And, to be short, men of this temper are as fireballs and granadoes, that cannot rest till they have fired all about them.

Knave.

He is one that with audacious boldness takes the Bible into his hands, and will undertake as readily to give the sense of it as to read it. Every sectary makes it speak what he pleaseth, even sedition and rebellion, and, under pretence of interpretation of scripture, they violently broach their own conceits, although a wrested proof (as a worthy author observes) is but like a suborned witness; and further, that as the worm eats out the heart of the plant that bred it, so whatsoever is done amiss in this kind naturally works no other end but destruction of him that doth it. This sin of wresting the scriptures in the eye of some of the ancients seemed so ugly, that they have ranged it in the same rank with the sin against the Holy Ghost, and therefore have pronounced it a sin greater than can be forgiven; for this is not a sin of infirmity, but a sin of wit and strength; for, as it hath been observed of the painters and statuaries of the heathens, they were wont to paint many times their goddesses like their mistresses, and then think them most fair when they were most like what they best loved; so it is with many professors of religion; they can temper the precepts thereof to their own liking, and lay upon them glosses and interpretations, as it were colours, and make it look like what they love.

Honest Man.

He is one that doth not pick and chuse of his duty what he thinks fit, but endeavours after an uniform obedience; he looks upon the second table of the law of God and the duties of it, as properly the parts of religion and Christianity as the duties and observations of the first; and abhors to separate religion and loyalty; considering that his blessed Saviour made it his main and principal design, in all his sermons, while he was upon earth, to perswade men to the duties of the second table.

Knave.

He is one that hath a great seeming zeal for the duties of the first table, and in the mean time reproaches the duties of the second, and those that make conscience of them, with the names of moralists and meer moral men, and will be saints in the church, and devils in the market; and be very demure and religious on the Sunday, though all the week after a man had as good meet with a Jew or a Turk in his trade and dealings with them, and come off better.

Honest Man.

He is one that looks upon these two parts, a true faith and an honest conversation, to be necessary to a Christian; for, as one hath well observed, a true profession without honest conversation, not only saves not, but increaseth our weight of punishment; but a good life without true profession, though it bring us not to heaven, yet it lessens the measure of our judgment; and that a moral man, so called, is a Christian by the surer side. His great care is to store his mind with just and honest principles, and then makes it his endeavour to live after them; and of all religions and opinions in the world, he concludes those cannot be of God that cause schisms, sedition, and commotions in church and state, and give trouble to God's vicegerents on earth, knowing well that true Christianity is a gospel of peace.

Knave.

He is one that indulgeth corrupt and erroneous principles, which suit best with his proud and turbulent schismatical humour, and thinks he knows as much as the best doctor can teach him; he is heady, high-minded, as St Jude describes him, and then be sure you shall presently hear him speak evil of dignities, who is destitute both of a true faith and sound principles, and of an honest and ingenuous conversation; and a thousand to one you will find him a mushroom, an upstart, one lately grown rich; of whom it hath been observed, that they differ from other rich men only in this, that commonly they have all the faults that rich men have, and many more.

Honest Man.

He is one that thinketh it not superfluous, but his duty at all times, and upon all occasions, to express his loyalty, and cry, God save the king; but more especially, he cannot forbear when he apprehends the crown and government to shake, and be unsteady by means of murmuring and seditious subjects, but would willingly support it; and as they defame and curse, so he blesseth and prayeth for them; and dares be so bold as vindicate his sovereign against the calumnies and reproaches of

Knave.

He is one that, with Judas, cries out, What needs this waste? What needs these addresses and protestations of loyalty? This abuseth the prince; and although he pretends more than ordinary zeal against popery, and for the protestant religion and the liberty of the subject, yet will not be brought to join with his loyal neighbours in giving his majesty thanks for his late royal assurance of these to us; so that whatever he is in shew, he is a knave at the bottom, as he that runs may read.

wicked men; and as he hates idolatry, so he likewise detests sedition and rebellion, which the prophet Samuel compares with it.

Honest Man.

He is one that as he looks on it as his duty to abide and be content in the station wherein God hath set him, so he doth not trouble or distract himself with future events, nor discompose his mind with possibilities of future dangers; he neither meddles with the secrets of God Almighty, nor the *arcani imperii* of his prince; he truly considers that our life is a warfare, as one hath observed, and every man in the world hath his station and place, from whence he may not move but by the direction and appointment of God his general, or magistrates, which are as captains and lieutenants under him. And as, from his own honesty and integrity, he enjoys a great measure of peace in his mind, so he is always most ready to promote peace in the world; and being true to the interest of the protestant religion, as it is now by law happily established in England, cannot be indulgent towards phanaticks and dissenters, nor lay them in his bosom, seeing plainly they design the overthrow thereof, yet heartily desires their reformation and conformity to the laws, if it might be; but in case they are so desperately resolved never to be reconciled, and to ruin all rather than not to have their wills, he cannot but desire they may be so restrained and kept under by the execution of the good laws of the kingdom, that they may be never able to hurt us or our established true religion so dear to us. And when he daily sees, by sad experience, the dismal effects of factions and differences in religion, viz. hatred, emulation, wrath, strife, divisions, heresies, murther, which lay whole nations in war and blood, no wonder he cannot be reconciled to them.

Knave.

He is one that cannot be at rest, but is continually raising fears, and foreseeing things quite out of his reach and view; and will needs torment himself with the reality of such things that possibly may never be or come to pass. And, to prevent what he thus fears, fears not to rush into sin, that doubtless is more to be feared than suffering. And seeing his neighbour with a sword by his side, will needs be assaulting him, and take it from him for fear his neighbour should make use of it to kill him; he will also by all means turn statesman, and be meddling with and mending state affairs, so infinitely above his sphere and capacity; but, as he being of a proud and turbulent spirit, he enjoys no peace within, so would be a means to banish it out of the earth, and would fain fire the whole world before the general conflagration.

Honest Man.

He is one that cannot endure to be irreverent at the publick worship of God; for as he gives God his heart, so he cannot but testify those respects he bears to him

Knave.

He is one that thinks that God is so much his friend, that he is not his King and Lord. That he must be so worshipped in spirit and truth, as not to be therefore wor-

in the outward reverent gestures of the body, especially when time and place will allow it; he abhors not to shew as great reverence to God as to his prince; and when the custom of his country is to approach his prince upon his knee, he cannot think it fit to draw near to the King of kings with a less bodily worship, and cannot but be much troubled to see Christians perform a more slight, slovenly, and superficial service to the true living God, than heathens have afforded to their dumb idols.

worshipped with bodily worship. And he is so spiritually minded, as makes him forget that God hath given him a body as well as a soul, to concur together in his service; and hates all order, rites, and ceremonies, appointed by the wisdom of the church, to keep up and maintain a reverence to sacred performances in the publick worship of the most high God.

Honest Man.

He is one that hath resolution and courage to be just and honest, minds mainly his duty, and is not much sollicitous what he suffers in a good and honest cause; he is neither to be cajoled by fair words, or threatened out of the duties of that station wherein God hath set him, and thinks the safety of his religion, prince, and country, are not such slight and mean concernments, as to be trifled and played with; he therefore, in these grand affairs, thinks he cannot be just and honest, except he be courageous and resolute; and, to conclude, he endeavours sincerely to follow after whatever things are true, whatever things are pure, whatever things are honest, whatever things are just, whatever things are of good report, whatever things are praise-worthy, and in this exercise he is *homo quadratus*, constant, steady, resolved, whatever condition he may be cast into.

Knave.

He is one that is a timorous, mean-spirited man, that hopes his good meaning will excuse him, and dare not be true to his own principles, and therefore is ready to put favourable constructions upon apparent, insolent, and wicked actions, that tend to the ruin of the cause he pretends firmly to own; and by his want of courage and resolution, (and fear of loss of his wealth especially) undoes both the cause he owns, and himself also, in conclusion: For in vain it is for any one to think to secure his own cabbin when the ship is sinking.

Thus having, in the midst of the confusions of parties and names now amongst us, endeavoured to characterise an honest man, a good Christian, that is honest and just to the principles of his Christianity, especially as to his deportment towards the publick, with a description of his opposite, the knave or hypocrite. And now one would think it could not be a difficult task, but the easiest thing in the world, to perswade us all to be honest men; when, together with the happiness of a good conscience, a serene soul (the greatest happiness of mankind here on earth) we may also thereby speedily put an end to all our differences and distractions, and of all our different factions and parties; and then there will be no use of Whig or Tory, or any other nick-name, being all honest men, good Christians, good protestants, good subjects. Alas! without this honesty and integrity of heart, it matters not what religion we profess, nor by what names we are distinguished. For this is most certain, a knave or hypocrite can be saved in none. Now if our disaffected party, our dissenters, would thus consent, how happy might they and we be, to concur together, to be of one honest, sound mind, true Christians, good protestants, all true sons of one and the same truly and excellently well

reformed church of England, and thereby keeping the unity of the spirit in the bond of peace, all true and loyal subjects to one and the same prince, and him the best in the world; and hereby how should we manifest ourselves to be not only *Christiani*, but *Chrestiani*, as the antient Christians were accounted, a word signifying benignity and sweetness of disposition and temper. And how willingly should we of the church of England be to be reconciled to the dissenters, if they would be perswaded to be reconciled to their prince and the laws? But, alas! *Hic labor, hoc opus!* who is able to effect it? When they are grown to that height of madness and folly, and drive furiously like Jehu, that although we lay before them their religion, their wives and children, *et dulcia pignora*, and yet they will not lay aside their madness, but drive over them all, what can be said or done to them?

Having therefore very little encouragement to hope to do any good on them, that are resolved to be rather what they are, than what they should and ought to be; and how can sober and serious discourses prevail, in an age when, on the one hand, all religion and seriousness is scoffed and derided, and on the other hand, when men are given up to a reprobate mind, to strong delusions, to believe lies? When they are all as the deaf adder, that stoppeth his ear to the best of charmers; when they are so wickedly malicious as to reproach all good protestants with the names of tories, outlaws, papists, popishly-affected papists in masquerade, whereby they take in and conclude our famous, learned, and worthy bishops and clergy, and all sober, wise, and serious protestants, the sons of the church; and thus cloath them (as the Heathens did the primitive Christians) with beasts skins, designing to have them devoured by that monster of the vulgar, who, as a late learned author observes, is that great enemy of reason, virtue, and religion, that numerous piece of monstrosity, which, taken asunder, seem men and the reasonable creatures of God, but confused together, make but one great beast, and a monstrosity more prodigious than Hydra. And therein not only including the baser and minor sort of people, but the rabble even amongst the gentry, a sort of plebeian heads, whose fancy move with the same wheel as those, men in the same level with mechanicks, though their fortunes do somewhat gild their infirmities, and their purses compound for their follies.

How can we therefore trust these false brethren? How dangerous is it to lay these vipers in our bosoms, who breathe out nothing but ruin and destruction to us the loyal protestants, true sons of the church of England as now by law established? And, alas! if they would seriously consider it, do they not even very many of them bring the innocent blood of the royal martyr upon themselves, that blood that (it is much to be feared) still calls aloud to heaven for vengeance; for do they not tacitly and by consequence justify the said horrid crime, First, by being seditious, and continually murmuring and complaining, finding fault with government and governors, which was the first step to sedition, war, and blood, and destruction of the king. And in the next place, do they not proceed and go on by owning and justifying, pleading for, and acting by those abominable and seditious tenets, opinions, and principles that were also the cause of the said dreadful confusions, war and blood, and by which his sacred majesty was brought to his fatal end with the ruin of our religion and country? Yea, some of them are grown to that height of impudence, as to neglect and refuse also the religious observation of the 30th of January or 29th of May. Now whether these men do not by these their actings justify and plead for all the late horrid villainies? and whether the voice of their actions be not plainly that of the Jews to Pilate (when they demanded of him the crucifixion of our blessed Saviour) his blood be upon us and our children? leave it to be seriously considered by them; and also that the sin of bloodshed suffers not God to forget judgment, or entertain a thought of mercy, as hath been observed by the learned. In the next place, therefore, let me have my recourse to you, O ye noble and heroick souls (for there is a nobility without heraldry) especially you of this

great and famous city of London, with your late honest, loyal, and worthy lord mayor, who abominate phanaticism as well as popery, and anarchy as well as tyranny, and who (in this time of confusion and danger, when there are so many with all their might, within their phanatick circles, under pretence of the names of religion, liberty, property, &c. are raising most hideous and terrible storms, both in church and state,) are yet resolved to adhere closely to God and the king, the church and state, and in that to the welfare of yourselves and families. Consider, that as without all doubt the great end of the laws of the kingdom, and of all charters and privileges at any time granted to the subjects from the favour and indulgence of princes, is not to weaken the hands of their prince, but for his support, and for the promoting of order, government, and peace, (without which law signifies nothing); so, if subjects shall so far degenerate, and be so abominably ungrateful as to make use of the said favours of their princes against the prince himself, and to attempt to overthrow the government, and pretend law for all this, certainly this is no other (as I humbly conceive) than under pretence of law to overthrow the law. As for instance, when they will needs pitch upon and choose such officers of the king's who shall return *ignoramus* juries to acquit malefactors and offenders against the laws of the kingdom, so far that the prince is forced to complain he can have no justice and right done him; and if, by reason thereof, seditious and wicked persons take freedom to abuse and reproach the prince and government at pleasure, and to enter into associations and combinations against the same,—I say, if such things as these be suffered, what can be expected but that the crown and government, and all public peace and safety should be subverted and overthrown.

O quantum mali nimium subtilitas!

And be encouraged however to go on, and matter not what the enemies of your prince and the church stile you in their dialect, although they call you tories or devils a thousand times, (as Luther is said to do of Calvin,) and design, whenever they have power, to deal with you as tories, rogues, and outlaws; yet let us not fear, but stand our ground. *Magna est veritas et prævalebit;* the Most High will stand by us, who is the great supporter of his vicegerents here on earth that govern by him and for him; and question not but Charles the Second will (in spite of his enemies) be Charles the Great; he knows well, both *Parcere subjectis, et debellare superbos,* and from whom we have the greatest assurances possible of all that may satisfy all honest, religious, loyal hearts. And, alas! if we should be so infatuated as to question his royal word, (contrary to our duty that God hath layed on us,) whom must we trust? A fellow-subject against his prince, a rebel, an usurper, a tyrant? Yea, this certainly will be our lot, if we will not confide in so gracious a prince, who is even such in the judgment of his very enemies. Let us go on courageously in the name of God, and not fear to hazard our lives and fortunes, when our prince's and the church's safety call for it. *Audentes fortuna juvat.* And let us be sober and wise, and not betray so good a cause as this, either by our carelessness or indifferency, or our intemperance and debauchery, or by want of valour. Shall the enemies of truth and peace, the industrious servants, or rather slaves of the prince of darkness, be more sedulous, serious, and courageous in their wicked and disloyal attempts than we in this cause of God, and the king and the church? Yea, they in ruining and destroying all, than we in saving all; and certainly it would be a very strange revolution, and contrary to all the usual methods of divine Providence, if God should permit, twice in one age, such abominable wickedness to become successful among us, as to the overthrow of monarchy and this excellently well reformed church of England, and thereby the overthrow of all the protestant churches abroad; and if ever (to prevent the said mischief) we should come to this desperate shift, that either we must admit of anarchy or tyranny, let us wisely

consider things, and as of two evils the least is always to be chosen, so, by the universal consent of mankind, tyranny hath been accounted a lesser evil than anarchy, according to that usual maxim, that it is better and safer to live in that place or kingdom where almost every thing we do is unlawful, than where every thing is lawful. And, in conclusion, if we must be destroyed and perish, it better agrees, especially with all generous and noble souls, to be at last devoured by a lion, than to be destroyed by vermin; but, however, from both such evils and plagues let us heartily pray, "Good Lord deliver us."

But to avoid, if it be possible, the said great mischiefs and dangers, let us all in this nation be very careful in our next choice of parliament men, whenever his majesty shall think fit to call together that great and honourable assembly, to choose men of honesty and integrity, of religious, honest, and sound principles of the church of England; and to have a care of all such persons, that, notwithstanding their profession of being sons of the church of England, are strangely wheedled away with plausible pretences by the dishonest subtilty of the phanaticks, or such others whose minds are distempered by prejudices, animosities, discontents, and distates against the government or governors; for men of the greatest abilities of mind and understanding, if they have not a principle of honesty and integrity and sound religion, or suffer their minds to be possessed with passion and prejudice, although otherwise wise and prudent, they cease then to be such, and therefore are useless and unfit to be trusted in the grand affairs of the kingdom, for *perit judicium cum res transit in affectum;* for it mainly concerns us (as a late parliament observed) to have a wise and good parliament, for it is only a parliament can undo us, if not such as it ought to be. And, indeed, if we send such men, that lie under such prejudices and discontents, or not of honest and sound principles, we do but cut our own throats; and it is but openly to do what the papists once did in secret, send barrels of gun-powder and lighted matches to the parliament house, which, once meeting together, will certainly blow up, not only the king and the two houses of parliament, but the whole kingdom also, from which great plague let us pray, "Good Lord deliver us."

How sad and deplorable is the condition of Christendom at present! how little do we consider our Christianity, and that the great end of our blessed Saviour's coming into the world was to make us all the sincere and faithful servants of God, and to publish a gospel of peace, to break down the partition wall between Jew and Gentile, to make all the world one family, to live in love and unity together, to constitute one pure church unto himself; therefore they must be the disciples of the prince of darkness, not of Christ, whose very principles and practices, their designs and vigorous endeavours, are for breaking this union, and for not healing the rents and breaches of the Christian part of the world. Now as to the present state of Christendom in general, it must needs be granted, that there is so much pride, superstition, such corrupting or defacing of the pure Christian doctrine, and such abominable corruption in worship and in practice, and so great uncharitableness among the Romanists on the one hand, and so much of pride and peevishness, passion, errors, schisms, divisions, animosities, hatred, and variance among protestants, especially among very many of them that pretend to that name, and such imprudent, furious opposition and uncharitableness by many of them against the Romanists on the other hand, which, together with the general scandalous lives of Christians of all sorts,—all which, being so diametrically opposite and contrary to our Christianity, and to the great design of the holy religion of the ever blessed Jesus, that it may very well be put to the question, whether we are at all Christians in Christendom? So that it may be justly feared, that if our Lord and Master Christ were now in the world, it would be a great question whether he would find faith on earth, and whether he would not disown the Christian part of the world as no Christians, except here and there scattered a few faithful de-

spised servants of his. I could very willingly be more favourable to these last and worst times of Christianity we live in, than to compare the present state thereof with the condition of the world in Noah's time; yet I cannot but much fear it may be truly said of us—" And God saw that the wickedness of man was great in the earth, and that every imagination of the thoughts of his heart was evil continually————And God looked upon the earth, and behold it was corrupt, for all flesh had corrupted his way upon earth."—Gen. xvi. 5, 6—13. I pray God preserve us (I mean Christendom) from what God there threatens, and that we be not swallowed up by an inundation ofr Mahometanism at last. But, as for us in this island, there will be no need to fea that inundation, for there is no need of the help of Turks or Infidels, or any other adversaries, to destroy those that are resolved to be their own assassins and destroy themselves.

Some short Reflections on some Passages in a late Pamphlet, called the Character of a Popish Successor; and Considerations thereupon.

Books and discourses, when they have not good and sound reasons to back them, are a sufficient confutation to themselves in the judgment of the wise and judicious, but are not so to others.

I shall, with the author, grant the consequences of a popish successor to be bad enough; but that a popish successor should destroy us all presently, make us absolute slaves, and persecute us with fire and faggot, these are rhodomantadoes and vain flourishes, and contrary to our own experience this day in France, where the famous gentleman, (as the author calls him,) who wants not power to work his will, and where the papists are the greater number, yet we know useth no such rigor of fire and faggot; yea, although when they have been in rebellion against him, or his predecessor, but gives them their lives, liberties, and estates, together with the public exercise of their religion, till of late he hath demolished some of their churches, and put greater restraints upon them; for he chuses rather to be a king of protestant subjects, than a *Roy de Ivitot*, although I conceive he would be very glad that they would be all of his religion.

I cannot conceive what the author's drift and end in his book is, except it be to set before our eyes a temptation to sin and wickedness, by injustice and rebellion, to save ourselves harmless. And if so, I may well say unto him, Avoid, Satan! thou amuseth me with dreams and imaginations of strange and future contingencies, which God hath never revealed to thee shall come to pass. But, granting the worst, that as things may fall out, there may be a possibility that I and other good protestants may expect to suffer for our religion, it behoves me therefore, and all good Christians, good protestants, I think, to fit ourselves for suffering when it threatens us but at a great distance; far be it from me, that in the prospect of suffering, or martyrdom, I should dare to venture upon sin, to violate God's law to save myself. I must be just and loyal, not perjure myself; I will endeavour to honour my Lord and Master Christ and his holy religion by humble and peaceable subjection to what God in his all-wise providence pleaseth to lay upon me, never to save my skin, damn my soul Let others resist lawful authority and rebel, and so become the devil's martyrs; I will endeavour,

by God's assistance, to keep a good conscience, whatever I may suffer. And let our bold and confident men beware; for God Almighty, who hath a care of all things, (as the excellent Grotius observes,) but not equally, because they are not equal; and that, according to the several degrees of things, there be degrees of Providence, he governs with a more careful hand the affairs of men than of inferior creatures; and, among all mankind, he hath a nearer inspection over kings, and other rulers of the nations, who are as it were earthly stars.

As for this author, is he not one of those that design to set the kingdom in a flame, that he may warm his fingers at the fire? But let him take heed; he may possibly be consumed himself in the flames he raiseth.

As for the D., his just and undoubted right to the crown, if he survives his brother, by the laws of God and nature, and the fundamental laws of the kingdom, none can deny. And our Magna Charta provides, that no freeman shall be disseised of his freehold but by his inheritance, or forejudged of life or limb but by legal process, the laws of the land, and judgment of his peers; and by another branch, that the king's rights and privileges shall be preserved and untouched; one of the chiefest, and upon which all the rest depend, as on a corner stone, is the hereditariness of the monarchy. Nor does the king alone, in this particular, lie under the obligation of oaths; the lords and commons have not only bound themselves by act of parliament, 10. Jac. cap. 1. to defend the true and lawful heirs of the king, acknowledged the undoubted successors, with their lives and fortunes to the world's end, but do also swear, as often as they meet or take the oaths of allegiance and supremacy, to defend all the privileges, rights, and preheminences of the crown (under which none can imagine, but descent in the right line is included) against all pretenders whatsoever.

But, I humbly conceive, it will well become us in this nation, seriously to consider what hath been instrumental in bringing us under these sad threatening circumstances? Was it not our rebellion and wickedness that first dethroned, and then afterwards murdered, Charles the First, of blessed memory?—and that under pretence of securing the protestant religion against popery, and for the protection of the godly party? And then also banished the royal family, and forced them to seek their bread among strangers, yea, among papists? And, by these barbarous proceedings, did we not lay them open to all the solicitations and temptations in the world, if it were possible, to alter their religion?

Now what antipathy and averseness must needs such principles and horrid practices of injustice, sedition, rebellion, war, and blood, owned and avowed by so many pretending themselves protestants, work in the heart of a suffering prince, as would alienate any good and honest heart in the world from such a religion, owning and countenancing such barbarous actions? Although I must confess there is a very great mistake in it to charge protestants, the true sons of the church of England, with any such principles or practices, which they abominate and detest, which I would therefore, in all humility upon my knees, tender to the consideration of his R. H.

And now, if the D. be what the general surmise is, may I not justly retort the great argument made use of by the author? Those who warped the D. crooked, now would break him in pieces because he is not streight. And I cannot conceive why those persons, who manifest by their daily conversations to have no religion at all, should be so offended with popery, Mahumetanism, or heathenism, or any religion at all whatever, for what religion can hurt them? Or why our disaffected and fanaticks should so much dread suffering and martyrdom, when they are so ready to prevent it, and to buy it off by sin and wickedness, by injustice, disloyalty, perjury, and rebellion: for if they be but true to their own principles of self-preservation, and that they may do evil to save themselves, doubtless this principle will preserve them safe, let either popery or Mahumetanism, or any religion in the world, come in upon us; and I dare en-

gage myself, my life for theirs, they need never fear martyrdom; for a single compliance will at any time, without question, keep them safe.

There are great mistakes and falsities in the author; as that above one hundred thousand persons were slain at one riotous festival; that no people in Q. Mary's days, in her whole reign, felt so signal marks of her vengeance as those very men that raised her to her throne. But although the papists have been bad enough, yet the protestant religion is so honest and innocent as it cannot but blush at the falsities and lies, although affirmed in her defence, for she hates to wrong or injure the worst of her enemies, yea, even the worst of creatures, even the devil himself: she abhors to benefit and advantage herself by lies and slanders. There are many also of most seditious tenets and positions in our author; the very printing and publishing them excites to what the author seemingly condemns. And what a gross contradiction he is guilty of, so highly to applaud his majesty's royal father, and yet vilify his children; and also to assert those very principles and practices which dethroned him, and, after, cut off his head.

As for the acts of parliament mentioned by the author, we must consider, I humbly conceive, not only what hath been done, and to infer we may do the like, but are principally to consider what foundations they had of justice and right, and what most of them came to in conclusion. The author intimates, that such acts can make those legitimate that are not, &c., which is worthy of observation in reference to D. M.

It must be granted, that by those statutes white was made black, and then presently after black was made white again; but doubtless those colours never altered: for this is certain, things that are truly and essentially good or evil, just or unjust, true or false, cannot be ever altered from what they truly are, and will no more stoop and bend to acts of parliament, than the sun in its course. And it is as apparent that the attempts of the papacy to dispense with the divine laws, and making evil good, and good evil, hath laid an eternal blemish upon them.

Now, as a late author hath it, either the statutes of K. Henry VIII, about succession, were obligatory and valid in law, or they were not; if not, then acts of parliament, contrary to the right of succession, are, without any more ado, null and void in law; if they were, by what authority was the house of Suffolk excluded? or King James admitted to the crown, contrary to so many statutes enacted against him? Or how can we justify our predecessors from manifest perjury, who solemnly swore to maintain those statutes, unless we conclude they were illegal and void from the beginning, as being notoriously repugnant to all laws, both divine and humane, and consequently not fit to be observed, because *Quod male juratur, pejus servatur?*

Therefore it is a very gross mistake to imagine that such noble and worthy persons, both of the clergy and laity, as have lately disowned and rejected the disinherison of the D. are any whit warping towards popery, as some would falsely and wickedly misrepresent them to the world, but firmly adhere to the protestant church of England, as it is now by law established; but it is the injustice and unreasonableness of the thing, which no honest heart can in conscience consent to, and which will bring a further great blemish and stain to the protestant profession. For the Christian, the protestant religion is too honest to countenance, and too excellent to need unjust and wicked actions to support its interest. For, as the said late author further speaks, no reason of state can be useful to the public, or justify any actions contrary to the laws of God and nations. And King James, in his answer to Cardinal Peron, speaks thus: "A breach made by one mischief must not be filled up by a greater inconvenience; an error must not be shocked and shouldered with disloyalty, nor heresy with perjury, nor impiety with rebellion against God and the king. God used to try and to school his church, and will never forsake the church; nor hath need to protect his church by any proditorious practices of perfidious Christians."

I cannot but stand amazed, therefore, at the late actions of men of reputed prudence and wisdom in these nations; but I humbly conceive they arose from these two roots or causes: First, from bad and erroneous principles, begot and cherished in the late times of tyranny and usurpation, (for, as Sir Edwin Sands well observes, a sweet mind and pure conversation be the natural fruits of a second belief and perswasion). Secondly, from the pride, passions, and lusts of men; for, as the worthy Dean of Canterbury observes, passions of wrath, malice, envy, and revenge do darken and distort the understandings of men, do tincture the mind with false colours, and fill it with prejudice, and undue apprehensions of things.

And, assuredly, did subjects but wisely and truly consider things, they would not only abhor and detest all sedition and rebellion, but all lesser degrees of disloyalty, viz. all slightings and contempt of their lawful prince and governor, knowing that as such lesser disloyalties lead, and have a tendency to the greater, and that such actions weaken his hands, and thereby the public peace and government, and are directly opposite to the interest, safety, and happiness of the people, and that every attempt upon their prince is but an attempt against themselves: And therefore I humbly conceive, whatever actions of this nature and kind appear at any time in the great councils of the kingdom must needs be most fatal and pernicious, and will in time render those excellent constitutions contemptible and useless also, as to those good ends for which they were appointed; for we may have frequent parliaments, and for some continuance of time also, and yet the nation never the better for them, if animosities and discontents, and fears and jealousies prevail among them, and religion and loyalty be the object of their contempt. It is therefore one of the greatest paradoxes and absurdities that ever was heard of in the world, for such persons to be accounted and esteemed the good and useful patriots of their country, who shew themselves disloyal and insolent against their prince; or to think that those can ever be friends to religion and the church who are secret enemies at least to the present ecclesiastical constitution and government, and the governors thereof; and have mean and contemptible thoughts of the clergy, and delight in defaming and reproaching them.

Our author of the Character of a Popish Successor goes on:—"How shall we," saith he, "dare to revolt? Remember, we are Christians, &c. We are bound indeed by our oaths of allegiance to a constant loyalty to the king and his lawful successors; very right, we are bound to be his lawful successors loyal subjects, but why his loyal slaves?"

To which I answer: If it be our lot to be under a tyrannical, yet lawful prince, I assert it, that by the Christian law we ought, notwithstanding, to be his loyal, although, as we judge, enslaved subjects; and if we resist, we resist the ordinance of God, and thereby shall purchase to ourselves damnation. And by this wicked, turbulent, and unchristian doctrine asserted by this author, it makes private subjects, as is before mentioned, to judge and determine of the actions of princes, and, at their own will and pleasure, to terminate and put an end to their loyalty and allegiance; which, if once granted, must of necessity subvert and overthrow all government in the world, and will furnish rebellious subjects with pretences for sedition and rebellion whenever any the least opportunity offers itself to them, and, by this means, will turn the world into war, confusion, and blood.

How doth our author bespatter and defile himself in drolling upon primitive Christian Innocence: for his words are these, "But, alas! that bugbear of passive obedience is a notion crept into the world, and most zealously, and perhaps as ignorantly defended." Thus is the suffering of the holy martyrs and confessors, the patience of the saints reproached by this pretended Christian; and the crown taken off the head of the holy Christian religion, and its glory laid in the dust: for this was ever its beauty and glory; that whatsoever the primitive Christians suffered for their religion,

they endured it with infinite meekness and patience, like their Lord and Master; and, as it is attested in Scripture, refused deliverance by unjust and unlawful means, as by resistance and rebellion, although they had power to accomplish it. But, alas! how is Christianity reproached also by our late author of Julian, who either makes Christians to be patient and submissive, or else because they know no better. Now certainly (as I humbly conceive) no action can be virtuous or praiseworthy that is not performed freely and voluntarily, and not forced.

Our author further goes on: "There never," saith he, "wanted the authority even of holy writ itself, on all occasions, to vindicate every thing." He speaks true, in that wicked men wrest and torture the sacred scriptures: And, as our late times of usurpation made good his assertions to the full, so our author himself verifies the same; for when he speaks of Saul and David, and the kings of Israel, "here indeed," saith he, "a passive obedience was due, but what is that to a king of England?" Was there ever such a sophistical distinction heard of in the world before, against all sound expositors of scripture throughout the world, yea, against common sense? for I think I may say, in all monarchies, more or less, there are certain rules and bounds to the prince's prerogatives, and the subjects liberties and freedoms, for without it there can be no government or order, but more especially are most excellently well settled in our English monarchy, in which, as all others, there is no such expedient allowed of to cure the faults and misgovernment of a lawful prince by a greater crime of sedition and rebellion; for doubtless that is but to attempt to cure a lesser evil by committing a greater, and but to skip out of a frying-pan into the fire. And the supreme power must not run in a circle, but be terminated somewhere, and doubtless more safely in a single person, which, if he prove bad, cannot live always, than in many substitutes of the people, which, if they prove tyrannous, have power to perpetuate the slavery of the people to eternity.

That maxim, That the king can do no wrong, (although he calls it specious flattery,) is sound and good; not but that princes, as men, may err and do amiss, yet ought to be esteemed by us as earthly gods, and that we should always carry ourselves with that loyalty and respect towards them as if they were faultless. Again, the prince may also in a sense be said, that he can do no wrong, because he is subject to no earthly tribunal; and, doubtless, it is therefore the best and wisest thing for subjects not so much to concern themselves with the faults of him that is above their reach, and only subject to the King of kings, otherwise than by their prayers to God and humble applications to their prince.

Our author affirms, but most untruly, that the original of monarchy was from the choice of the people, when, as the great philosopher Aristotle (as those that converse with his writings testify) calls monarchy the divinest sort of government, and derives the original of that government, not from any arbitrary election or choice of the people, but from the fatherhood, and the natural subjection children owed their parents, which he had, it seems, from his worthy master, divine Plato. He adds also, that all tyrants for the most part are made of the factious ring-leaders of the people, having got credit with the multitude by falsely impeaching and calumniating famous and renowned men.

Now, although it should be granted what our author affirms, that a popish prince, in introducing popery, would be guilty of a greater sin, yet that doubtless can be no licence for us, that are subjects, to commit that lesser sin (as he would make it) of opposing that tyranny by resistance; and although our religion, lives, and liberties ought to be dear to us, yet not so dear to us as to constrain us to rush into those heinous and crying sins of sedition and rebellion, and so to endanger our more precious souls: for what will it profit a man to gain the whole world, and lose his own soul?

It is observed by the sage Xenophon, in the Life of Cyrus, that all the herds of beasts of all sorts are more willing to obey their pastors than men their magistrates; nay, rather more curst and hurtful are beasts to all others than to their rulers, and thence concludes, that it was more easy for a man to command and govern all living creatures in the world than men.

To which I may add, that government and peace in the world is the most desirable blessing to all; yet, in our times and age, it hath been a business of very great difficulty to magistrates and governors to maintain it and keep it up, in regard of the atheism, irreligion, passion, and lusts of men; for, as it is mentioned by the worthy dean of St Paul's, that Plutarch calls religion a foundation that knits and joynts societies together; and that it is more impossible for a commonwealth either to be formed or subsist without religion, than a city to stand without foundations. And, as the dean of Canterbury aforesaid observes, the principles of irreligion unjoynt the sinews, and blow up the very foundations of government; this turns all the sense of loyalty into folly. There is little need therefore, in our times, of seditious pamphlets to disturb and exasperate the vulgar, and to weaken the hands of our governors; and certainly, whatever is pretended, it is not the religion of God, but the lusts of men, that give trouble to his vicegerents in the world. Our protestant religion therefore, if it be a Christian, I am sure of it, will make us seek peace and pursue it. And sure this author, the devil's casuist, is near of kin to Mariana the jesuit, with whom he concurs in his wicked doctrine and principles.

The tares of seditious and wicked principles, so plentifully sown by the devil and his instruments in our days, what fruit we may shortly expect therefrom (if God in mercy prevent not) I shall leave to all wise and sober persons to consider: not less, doubtless, than great troubles to this nation, if not the utter ruin and overthrow thereof. And that I may not seem to speak my own sense and judgment herein, I shall give you some collections out of a wise and judicious speech delivered in the Star-Chamber by Sir Nicholas Bacon, knight, lord-keeper 10°. Elizabethæ: his words are these: [1] "It is given to the queen's majesty to understand that certain of her subjects, by their evil dispositions, do sow and spread abroad divers seditions, to the derogation and dishonour, first, of Almighty God in the state of religion established by the laws of this realm, and also to the dishonour of her highness—— What will become of these unbridled speeches in the end, if reformation be not had thereof? What cometh of factions and seditions we have been taught of late years, and what the fruits thereof be, which I beseech God long to defend us from. If such disorders be not redressed by law, then must force and violence reform. If force and violence prevail, then ye know that law is put to silence, and cannot be executed, which should only maintain good order. But if the bringing in of these seditious books make men's minds to be at variance one with another, distraction of minds maketh seditions, seditions bring in tumults, tumults work insurrections and rebellions, insurrections make depopulations and desolations, and bring in utter ruin and destruction of men's bodies, goods, and lands; and if any sow the seed or root whereof these things come, and yet it can be said that he hath no malice, or that he doth not maliciously labour to destroy both publick and private weal, I cannot tell what act may be thought to be done maliciously. As for extreme and bloody laws, I have never liked of them; but where the execution of such laws toucheth half a dozen offenders, and the not execution may bring in danger half a hundred, I think this law, nor the execution thereof, may be justly called extreme and bloody. In such-like comparison I may utter my meaning as to make a difference between whipping and hanging. The truth is, to suffer disobedient subjects to take boldness against the laws of God and their prince, to wink

[1] Fox's Acts and Monuments.

at the obstinate minds of such as be unbridled in their affections to maintain a—— power——against the prince's prerogative established by laws, is not this to hatch dissention, and to cherish sedition? If these doings be not means to the disturbance and utter ruin of the realm, I know not what is good governance; if these be not the sparks of rebellion, what be they?" Thus far that wise statesman delivers himself his judgment in the best of times.

To conclude, it is said of wise Cato, that he refused that rhetoricians should plead, for this reason, *Quia orationis facundia facile possunt æqua et iniqua persuadere.* So I could have heartily wished that this my author, which I have mentioned, had either been furnished with a greater stock of honesty and integrity, or else had had less of eloquence and good language, and then he had done less mischief. Farewel.

Cease civil broils, O English subjects cease,
With war and blood stain this fair soil no more;
As God, so kings, must be obey'd with peace.
Be just therefore; to them their rights restore,
Wash with repentance these thine acts before.

SPEED.

Oates's Petition. To the King's most Excellent Majesty, and to the Lords and others of his Majesty's most Honourable Privy-Council.

The days were now past when Oates's credit with the public was so high that "'twas worse than plotting to suspect his plot." The king, profiting by the gradual revulsion of national feeling, deprived him of his guards, (for he had been allowed a body-guard,) his lodgings at Whitehall, and at length reduced his pension to £600 a year. The tory pamphleteers, headed by Sir Roger L'Estrange, the Coryphaeus of their party, now assailed the disgraced evidence with the utmost fury both of raillery and invective; but the monumental brass of Oates was altogether impenetrable. He stood upon his reputation, and demanded from the ministers of Charles the redress and protection due to his immaculate innocence and great public services. Charles II. was contented to treat his remonstrances with silent contempt; but his vindictive successor procured so severe a sentence against him, that he became an object of pity even to those who acknowledged his infamy, being branded and whipped in the most inhuman manner. Nor indeed did the revolution restore him to his original splendour. He had a pension allowed him of £400 a year; but, considering his faculties as an evidence, it was not thought fit to reverse the judgment against him for perjury; he was therefore obliged to be contented with a simple pardon, so that he never recovered his swearing capacity. Indeed the Duke of Leeds, who, while Lord Danby, had reason both to know and fear him, would only consent to reverse the sentence in the sense, that, having been whipped from Newgate to Tyburn, he should be whipped back again from Tyburn to Newgate.

The humble Petition and Complaint of Titus Oates sheweth,

THAT your petitioner, according to his duty and allegiance which he owes, and is always bound to pay to your majesty and the government established by law, did, in

the month of September, in the year 1678, discover a most horrid and hellish popish plot against your majesty and the protestant religion and government, to the amazement of your majesty and the privy-council, as appears by the several proclamations issued out by your majesty's order, with the advice of your most honourable privy-council, which your petitioner is, and will be ready to produce, when thereunto commanded by your majesty.

That your majesty was so highly sensible of the great danger your person was in and your government, by reason of that conspiracy, that you were graciously pleased to proclaim several solemn fasts and days of humiliation, and did will and require your loving subjects to join in hearty prayers and supplications with your majesty unto Almighty God for the blessings of the discovery, and for the farther discovery thereof; and in several of your majesty's most gracious speeches to your houses of parliament, hath been pleased to express, how unsafe your majesty was till the said plot was searched to the bottom.

That several Roman catholick priests and others were apprehended and committed, indicted and convicted, attainted and executed upon your petitioner's evidence, together with the evidence of others, the attainders of which persons remain (as your petitioner believes) upon record.

That (upon the evidence of your petitioner and others) four parliaments declared in their votes, That there was an horrid popish plot for the destruction of your royal person and your government, and the subversion of the protestant religion as by law established.

That Roger L'Estrange, whom your petitioner hears is now a justice of the peace, (though turned out for several misdemeanors in the year 1680,) hath defamed and arraigned the justice of the nation, in ridiculing the said popish plot, and the discovery and discoverers thereof, in certain scandalous and seditious pamphlets of his, called the Observator, and in several other pamphlets.

That the said Roger L'Estrange pretends, in some of those seditious and scandalous pamphlets, that he is authorized so to do by one or both of your secretaries.

That the said scandalous and seditious pamphlets appear to countenance popery in your protestant government; and the popish party have been much encouraged by the same to revile and threaten your petitioner, he the said L'Estrange pretending that he had authority for so doing.

That your petitioner hath borne the scandalous reflections and aspersions, upon the account of his discovery of the said plot, from the said L'Estrange, these four years with patience; and had the scandals only touched your petitioner, I would not have complained to your majesty and this honourable board: but since the said L'Estrange scandalously vilifies the said discovery, and calls in question the justice of your government, your petitioner therefore thought fit to apply himself to your majesty and this board, for redress.

The premises considered, your petitioner humbly prays your majesty, and this right honourable board, to relieve your petitioner and his evidence from the seditious calumnies of the said Roger L'Estrange, and not suffer your petitioner to be left to be daily oppressed and destroyed for those services which your majesty, and council, and parliament, and courts of justice are sensible of: And your petitioner shall (as in duty bound) pray for your majesty's health, and long life, and happy reign, &c.

TITUS OATES.

Oates's Letter: For the Right Honourable Sir Leoline Jenkins, Knight, his Majesty's Principal Secretary of State, at Whitehall.

I GAVE your honour last Friday the trouble of a few lines, in which I told you, that I had business of importance with the king and council; your answer was, That I must apply myself to a justice of peace, or courts of justice: The business I had with the council is a complaint against Roger L'Estrange, Esq. who, in several libels of his called the Observator, and other seditious pamphlets, hath (as I humbly conceive) vilified and ridiculed the evidence of the popish plot, and arraigned the proceedings of the government upon the said plot; and, to give himself a reputation in this his illegal course, he pretends, in one or more of those his said Observators, that he hath authority or leave from some of his majesty's ministers for so doing, which I dare not believe. Your honour knows, that his majesty was so sensible of the danger he was in, by reason of that horrid conspiracy, that he did not only recommend the strict examination thereof to his houses of parliament, but also was pleased to acquaint them, how unsafe he was till it was searched to the bottom. Besides this, three fasts were proclaimed, appointed, and kept, which the king himself strictly kept, and commanded all his loving subjects so to do; several persons have been executed, and several parliaments have voted, That there was an horrid and hellish popish plot: Now, all these things considered, I could never have imagined that any private person could have been so bold with the government, as to use such reflections upon their proceedings, and call in question the veracity of the testimony of that evidence, which was justified by his majesty's council, and the parliament, and the courts of justice. I thought I should never have lived to have seen the day that the plot should be called in question, which the king had owned in his several proclamations; but since it is so, I must pray your pardon, if I cannot apply myself for redress in that way and method your honour was pleased to order: For I humbly conceive, that it is the government that is abused, and therefore in conscience and honour it is bound to vindicate its proceedings from such aspersions as are cast upon them by the said L'Estrange and his confederates. I would not use any method or way to injure the worst of my enemies, but hope the council will take my hard usage from the said L'Estrange into serious consideration, and cause the said L'Estrange to be silenced, and reparation to be made me. To that end, I have in this sent a petition to the king and council, which I would have presented, if I might have had the liberty to appear at court, in which I pray for redress. I hope God will put it into your hearts to do me right. In the mean time,

Sir, I am
Your honour's humble servant,

Feb. 28, 1683. TITUS OATES.

My humble request is, that this petition inclosed may be presented to the king in council, so that I may be in some probable way of having redress.

The Coat of Arms of Sir John Presbyter. Printed in the Year 1658, *and reprinted* 1683.

This squib appeared during the civil war, but, with other tory jests, was reprinted in the latter end of Charles' reign.

He bears party per pale indented, God's glory, and his own interest; over all honour, profit, pleasure counterchanged; ensigned with a helmet of ignorance, opened with confidence befitting his degree, mantled with gules and tyranny, doubled with hypocrisy over a wreath of pride and covetousness; for his crest a sinister hand, holding up a solemn league and covenant, reversed and torn; in a scroll, underneath the shield, these words for his motto, *Aut hoc aut nihil.*

This coat armour is dupalled with another of four pieces, signifying thereby his four matches.

The first is of the family of Amsterdam; she bears, for her arms, in a field of toleration, three Jews heads proper, with as many blue caps on them.

The second is of the house of Geneva; she bears, for her arms, in a field of separation, marginal notes on the Bible false quoted.

The third is of the country of New-England; she bears, for her arms, a prick-eared preachman, preached upon a pulpit proper, holding forth to the people a schismatical directory.

The fourth and last is Scotland; she bears in escutcheon the field of rebellion, charged with a stool of repentance.

The Nation's Address to the Committee of Grievances in Parliament, for the taking off the Corporation Oath, in Behalf of all the Cities, Towns Corporate, Aldermen, Bailiffs, Burgesses; as also of Sheriffs, Lord-lieutenants, and Deputy-lieutenants of Counties, Ministers, and all others concerned for the Repealing those Acts, which impose the Oath following.

THE OATH.

I, A. B. do swear, that it is not lawful, upon any pretence whatsoever, to take arms against the king. And that I do abhor that traiterous position of taking up arms by his authority against his person, or against those that are commissionated by him, in pursuance of such commissions. And that I will not, at any time, endeavour any alteration of government, either in church or state.

In this oath, we have the matter and the form of words, that is, the substance and composure; and there are three parts of it. The first part is not consistent with judgment; the second with truth; the third with righteousness.

I will take up the last part first. "And I will not endeavour any alteration of government." There is no government on earth so perfect, that it has need of laws, like the Medes and Persians. Government may be considered in the administration, (according to politicks,) or the constitution. The word government is set down here indefinitely without distinction. Alteration of laws, and so government in the administration, is as necessary many times, upon emergent occasions, to the body politick, as the fresh air is to the natural. This oath was once brought in to the parliament to have been made common. It were a thing not righteous, a destructive thing, to have such an engagement laid on persons in such a capacity; it were injurious to have it laid on any freeholders, or free-subjects, as we are. The constitution of our nation, as parliamentary, is such, that no law can be established, or repealed, but it must pass the house of commons; and so the whole body concur in their representatives to every alteration of (or in) the government which is made, if it be legal: No house of commons but is chosen by the people. Every Englishman is intended to be here present, either in person, or by procuration; and the consent of the parliament is taken to be every man's consent, says Sir Thomas Smith, *De Rep. Ang.* l. 2. c. 2. "Nay, while the king," *Consilio et Consensu Baronum, Leges olim imposuit Universo Regno,* "by the counsel and assent of his barons, did give laws to his whole realm," *Consentire inferior quisque visus est in persona Domini sui Capitalis prout hodie per Procuratores Comitatus,* "every inferior seemed to consent in the person of his chief lord, as now they do by "their burgesses and knights of the shires," says Sir Henry Spelman. This is so true, that in this sense it is, that the laws are said to be *Quas vulgus elegerit,* which the people shall choose. Now, then, if any free subject hath a fundamental liberty to choose knights and burgesses, and accordingly to inform them of their grievances, and petition them for redress, and in them, as their representatives, do consent to the alteration of government and laws, (if there be any pass,) as profitable to the nation: How can such an oath be imposed on him, That he will not endeavour any alteration, as this? Is not chusing burgesses, informing them, petitioning him, acting and legally consenting in them, to this end, an endeavour, and that as much as can be in their place and calling? And no more than an endeavour in their place and calling was sworn in the covenant. It is true, that new laws were made, and old repealed, without alteration of the constitution, but not without alteration of the government, because government takes in both the administration and constitution. Let us suppose the word government confined only to the constitution. This is the constitution of the government in the state, which is a legal monarchy; and this indeed we are so far bound from endeavouring to alter (now we are constituted a commonwealth) that I think it not alterable by the king himself, and parliament, (though it might be so a little while since when they were a convention,) because the supreme power, for the administration, must be supposed, in all communities, to be derived from, and held by the constitution. But, as for government in the church, we are to know, and to acknowledge, the constitution itself hereof is but a law of the administration in reference to the state. And consequently, when all laws for the administration are liable to the regulations of parliaments, the great question will remain, how these men, who are presbyterian, or independant, in their judgment, and think episcopacy against the scripture, can be denied the endeavour only before mentioned, (which consists but in choosing representatives, and doing no more than the constitution allows,) in order to the prosecution of what they think themselves obliged to in conscience, both by oath and the word of God? Is not the foundation liberty of the whole people, and ourselves with them, here in danger? Judge, ye that are wise; and what an anointed plot have we

had here in the nation, that an allegiance in effect should be sworn to the bishops as well as to the king, by such impositions?

For the words then (or form) I wonder at this rigour in the compiler, that a man must swear, Not to endeavour any alteration. Had it not been enough to be engaged, not to endeavour any alteration of the substance of our government, episcopacy in the church, and monarchy in the state, but it must be, Not any alteration? It were well that we were so absolutely perfect. And again, must we not at any time endeavour any alteration? What if times should turn, and we be in a confusion, as in Cromwell's time, and immediately after? What if any such like chance or changes come? Must these men be bound up, that they cannot endeavour to render back this government that we have? No, not the king, and the bishops, if the iniquity of the times should put them out; for they have sworn, they will not at any time endeavour any alteration of government, in church or state. Sirs! the matter of this obligation being against the fundamental freedom of the subject and parliament, and the words you see so ensnaring, and that against the duty all owe to the public good, I offer it to you to consider, in the first place, whether this last part be according to righteousness?

For the middle part of the oath. Here is a position of taking arms by the king's authority, against any commissionated by him, which must be sworn to, as abhorred and traiterous. There is a case that hath been always in the mouths of the understanding, refusers of this oath and subscription. Suppose some writ sued out, and comes to the sheriff's hands, and suppose persons come to oppose the execution, by the king's personal command, or commission, and he thereupon raises the *posse comitatus* upon them, I will ask here, whether the sheriff act not herein by the king's authority? I think it cannot be denied. By the king's authority is all one as by the laws; and if he can act so justificially against any for all their commission, and the law will bear him out, how is this position in this case traiterous and to be abhorred? It were hardly now to be imagined, that it could be the intent of any parliament in England to advance the personal will or commission of the king above law, which is to make his power despotical and royal. "*Non est Rex*," says Bracton, "*ubi dominatur voluntas non lex:* He is no king that governs by his will, and not by law. And how it should come to pass therefore, that he should enjoin this position indefinitely (without exception of this case at least) to be sworn to, as altogether traiterous, I can never, methinks, wonder enough.

What if any soldiers should come with a commission under the seal to raise money without an act of parliament, and, by virtue of such commissions, seize our goods, rifle our houses, and ravish our wives? May not the people, or our inferior magistrates, or the sheriff for the county, withstand such violence? May not the constable alone, from the justice to keep the peace, raise the neighbourhood, and do it? If he may, or the sheriff may, it must be in the name of the king, or by authority of the law, and then there is some case or cases, where arms or force may be raised by the authority of the king, against such as are commissionated by him, though not against his sacred person. Nay, what if a prince should go to ravish a virgin, and she catches up the next weapon or instrument that is at hand, to defend her chastity, would such a sacredness as that make this act of hers to be sinful, that is so virtuous in itself? Suppose again, that papists or fanaticks should either by power or surprise at any time, get a king in their hand, (as the Duke of Guise once dealt with the French king,) and prevail with him, for fear of his life, to grant commissions under his hand and seal, destructive to the church and state, must the nation be remediless in this case, and the king and kingdom ruined by these commissions? Nay, what security hath the nation, that a lord keeper may not prove traitor to his king and country, and, under the broad seal, grant commissions to disband his majesty's life-guard, deliver up the navy, or sea-port towns, seize on the Tower and all places of strength? In what a condition were the

king and kingdom brought if the subjects hands be bound up by an oath not to resist, or take arms against the executors of such commissions, suppose but so long as they ill understand his design, seeing by that time the nation be past recovery? And who is there now that will not be offended at the sense, and turned at the horror of these sad consequences, into which such tests and injunctions (if not now seasonably retrenched) may lead our posterity?

As for the form thereof, the words, "I abhor this traiterous position," they are harsh. The word abhor especially, was a word of interest and passion; a cooler word, as I disown, or disallow, might have served. Some of the gravest of the nonconformists were much scandalized at that word. A man may say a thing is unlawful in his conscience, when he cannot say, according to truth, I abhor it. Well, sirs! When the words abhor and traiterous are so harsh in the composure, and when such cases as above-mentioned, and others, may be put as to the position in the matter of it, I offer, in the next place, to consideration, whether the middle part of the oath be according to truth?

For the first part, we have a large assertion roundly sworn. The oath runs not only, that it is not lawful to take arms against the king, and that it is not lawful on any pretence, but on any pretence (or cause) "whatsoever." The grammatical literal construction of that word seems to insinuate no less, than that this proposition must be held without restraint or limitation. Among the most eminent authors, which have wrote of the power of princes, and established it against resistance in their writings on this subject, I suppose there are few or none to be levelled above these three, Barclay, Grotius, Arnisæus; and we shall find that they have all their restrictions or cases of exception in the maintenance of this tenet. And how could any learned justice formerly be very earnest in punishing a refuser, when, if the matter was but scanned, the reason why he refused would be found only, because he had read more than some others that yielded their submission. I begin with Barclay, that is, William Barclay, a Scot, and counsellor to the French king; who writes against Buchanan, Boucher, and other *monarchomachists*, as he calls them. This learned man endeavours to make his prince to be above the whole people; that consequently no arms can be taken against him: Nevertheless, when he comes to put some pressing cases, he thus limits them: *Quid ergo nulli ne casus insidere possunt, quibus populo in Regem arma capere jure suo liceat? Nulli certe quam diu Rex manet.* What then? Can there be no cases happen wherein it is lawful for the people to take arms against the king by right? None certainly, so long as he remains a king. There are cases indeed he accounts, in which a king doth, *exuere personam Regis*, or *Dominatu se exuere*, put off the person of a king; and particularly, (l. 3. c. 16.) he mentions two: *Si regnum alienet: Si Rempublicam evertere conetur.* If he go to alienate his kingdom: If he go to overthrow the commonwealth. Let us come to a Grotius, and first quote him in his judgment of Barclay, lest you may think else I mistake him. *Barclaius* (says he) *Regis imperii licet assertor fortissimus huc tamen descendit, ut populo, et insigni ejus portioni, jus concedit se tuendi adversus immanem sevitiam.* Barclay, though the most strong assertor of kingly government, does come to this, that he grants a right to the people, or an eminent part of them, of defending themselves against intolerable oppression. For himself therefore, after he hath asserted this tenet, *Summum imperium tenentibus jure resisti non posse*, that the higher powers may not lawfully be resisted, from scripture, antiquity, authority, and example, to as much purpose, perhaps, as any, he descends to put seven cases; wherein he does, *Lectorem monere*, warn his reader, *Ne punet in hanc legem delinquere eos qui reverà non delinquunt*, lest he mistake some for delinquents in this matter, that are none. It will be too long, and needless to mention those cases. For Arnisæus, he hath wrote three learned books of politicks; *De jure Majistratus. De Doctrina Politica. De Authoritate Principum in Populum semper inviolabili, seu, quod nulla ex causa subditis fas sit contra legitimum Principem arma sumere.* That the authority of

princes over the people ought to be inviolable, or that it is lawful for no cause to take up arms against our lawful prince. Here then we have our tenet; but as to the stating it he is forced to distinguish. There is *rex* and there is *tyrannus*, a king and a tyrant; and there is *tyrannus in titulo*, and *tyrannus in exercitio*; a tyrant in title and a tyrant in practice; and this he comes to in the issue, that *tyrannus in exercitio*, a tyrant in practice does, *excidere de jure, et si hereditario*, fall from his right, though hereditary. *Truditur respublica principi in eum finem* (says he) *ut illi prosit in salutem omnium, a quo si prorsus disciverit, etiam de potestate cadit, quam non alio sine sibi commissam habebat.* The commonwealth is delivered to the prince that he should rule over it for the common safety; from which if he depart altogether, he falls even from the power itself, which was committed to him only for this end. By such testimonies as these I would convince the compilers of such declarations, if they be alive, and any others that are yet of the same spirit, with some resentment and shame, that when a temperate sense and meaning of them is such, as some good men have not stuck at, yet they are so composed *in terminis*, as renders them not to be endured.

For the form then yet of the words. I, A. B. do swear, that it is not lawful, &c. Here is an oath to the matter of a proposition questioned, to the determination of a point of conscience, and that diversly decided. An oath should be to a matter of fact, and cannot be taken but to that whereof we are certain. To require of men therefore to swear to the verity of a doctrine is not according to judgment, being a thing impossible, because no man is infallible. Now then, sirs, when here is such an *erratum* in the composure as the want of the words, *I believe*, or the like, *I swear that I hold, or believe, that it is not lawful*, &c. and so material an exception as the judgment of the most learned comes to, against the substance in *terminis*, of the first part of the oath, which yet hath gone down ordinarily, without chewing, I humbly offer it, in the third place, to be considered how this oath can be taken in truth or in judgment.

An oath must be taken in judgment, truth, and in righteousness. The first part is not according to judgment, the second not according to truth, the third not according to righteousness.

The Citizens' Loss, when the Charter of London is forfeited, or given up.

" When the great resolution was taken (at the instance, no doubt, of some crafty lawyer) to lay the axe to the root of the constitution, by reducing all the corporations of the kingdom to an immediate dependence on the crown, and consequently to put them under a necessity of chusing what magistrates and members the crown thought fit to recommend, two methods of proceeding were agreed upon; namely, to inveigle and frighten the timorous and corrupt to [x] sur-

[x] As numbers actually did; under what practices may in part be gathered from the paper that follows:—

An Account of the Surrender of the old Charter of Northampton, September the 26th ———, and the Manner of their receiving their new Charter, &c. Together with an eloquent Speech made by Robert Clerk, Esq. (Deputy Recorder of Northampton) upon that Occasion.

Yesterday the mayor, aldermen, bailiffs, and burgesses walked in their formalities to the limits of the town, and met the Right Honourable the Earl of Peterborough, lord-lieutenant of the county, and high recorder of the

render their charter, and to sue the tenacious and stubborn to a forfeiture by the means of *quo warrantos*. London was justly placed at the head of the last, and was therefore, for example's sake, to be humbled first. The pretences fixed upon, though many were named, were two, viz. First, a by-law of the corporation, by which they had levied some new tolls or rates at their markets; and, secondly, a passage in their petition to the king, on the sudden prorogation of the last Westminster parliament, January 10, 1680-81, to this effect: "That they were extremely surprised to see the parliament prorogued in the height of their business; that their only hopes were, that this was done only in order to bring such affairs about again as were necessary for settling the nation; and that, therefore, they prayed his majesty would be pleased to let the parliament sit at the day appointed, and so continue till they had effected all the great affairs before them." Or, as it was stated by the attorney-general in his pleadings, "That they were extremely surprised at the late prorogation, whereby the prosecution of the public justice of the kingdom, and the making the necessary provisions for the preservation of his majesty and his protestant subjects, had been interrupted." Now, as to the tolls, they had been first imposed in the year 1666, to re-edify the markets consumed by the fire, and had been quietly sub-

town, accompanied with a great confluence of nobility and gentry on horseback, and attended by a body of the county horse. My lord alighting, presented a new charter from the king, with an excellent discourse upon the gracious favour of his majesty to the town. The mayor, in the name of the new corporation, humbly received it on his knees, with due reverence, joy, and gratitude of mind.

When this was done, my lord mounted again on horseback, the mayor, aldermen, bailiffs, and burgesses leading the way to the town-hall, the charter being carried before them by the town-clerk, bare-headed, the trumpets sounding, bells ringing, and wind-music playing aloud. When they came to the hall, the charter was read, which being done, Robert Clerk, Esq. our deputy-recorder, made the enclosed speech, a true copy whereof is here inserted. After this they were all entertained at a splendid dinner by the corporation, and with great rejoicing they did solemnly and soberly conclude that happy day.

"Mr Mayor, and you the Gentlemen of the Corporation,

"By the bounty of his majesty and his royal progenitors, kings of England, you have had great privileges and freedoms bestowed upon you.

"They have likewise put so much confidence in you, as to trust you with a great share of the government of this town.

"But so it fell out, that certain evil men have lately crept into authority among you, and, by their stubborn and seditious practices, have abused this trust, and forfeited those liberties. You did judge aright, when you apprehended these ill consequences sprang originally from some defect in your charter.

"And you did resolve wisely when you entered into thoughts of surrendering it, together with such liberties and rights as were annexed to your corporation, and to lay them at his majesty's feet, with an humble request, that he would grant you back what he thought most suitable for you.

"And you did it seasonably in point of time, before too much notice had been taken above of some extravagancies that had happened here below, which might otherwise have produced inconvenient effects.

"The king most graciously accepted them; not with any thoughts (you do see) of abridging your liberties, retaining your revenues, or cutting off any branch of your former authority in the government of this town.

"For they are all re-granted to you to a tittle, together with some other accommodations in your government which you did request.

"If you could have thought of any more advantages, and would have desired them, I have reason to believe you might have had them; but indeed the king hath been so kind to you, that you cannot quickly find out what he hath not already granted you.

"His majesty hath reserved only to himself, (which is indeed a most gracious favour to you all,) that whereas you have heretofore been subject to his correction if you did ill, now he has made it his care (by way of prevention) that you may not hereafter do amiss.

"And now may you (under the providence of Almighty God) date your felicities from this time, if you please.

"For it rests only that you of the loyal party be constant and united; and the rather, because the seditious have been broken in their measures of the late plot,[1] and have, since then, made it their business to gain a great point in sowing divisions among the well-affected in several parts of the nation.

"Is there any among you have been tainted with ill principles, that you revolve often in your minds? Now there is an eye upon you, which will have a respect to justice as well as mercy.

"And that you do shew yourselves humbly grateful to the king, who has graciously received your address, passed by what former failings has been among you, and given you these good things; and, to conclude, that you bear faith and true allegiance to his majesty, and to his heirs and lawful successors by birth-right, according to the ancient and fundamental laws of the crown and kingdom, for they certainly will prove the best support of the established government in church and state."

[1] That of the Rye-House.

mitted to ever after: and as to the words of the petition, it was very well urged by the city-council, in mitigation of them, that the king himself, in his speech from the throne, at the opening of the session, had declared, that he neither thought himself nor the nation safe till the plot had been thoroughly prosecuted; and that, therefore, the citizens had his majesty's own authority to justify this extraordinary interposition of theirs, as founded alike on their common preservation. This prosecution therefore was, from the beginning, esteemed a matter of state, not a matter of law; and though the city made the best defence they could, they knew their doom was sealed. The struggle lasted till the middle of the year 83: the press had full employment on both sides all the while; and when it was apprehended the decision was at hand, the two following papers were published: in the first of which is to be discovered the last convulsive agonies of a dying malefactor, and in the other the savage triumph of a wanton executioner."

Ralph gives the following account of the termination of this celebrated attack upon the municipal rights of the metropolis:—

"The whole dispute takes up a folio; but it is needless to pursue it any farther: enough has been said to shew the manner of conducting it; and as to the event, upon the 12th of June Mr Justice Jones, presiding on the bench in the absence of the Lord Chief-Justice Saunders, who had been disabled by an apoplectic fit from finishing the jobb for which he was preferred, and being countenanced, it cannot be said assisted, by Withins only, another Abhorrer say some, and, say others, by Raymond as well as Withins, pronounced sentence for the king against the city, that the franchises should be seized into the king's hands, on the authorities and under the pretences, Mr North calls them reasons, hereafter specified:—'That a corporation aggregate might be seized; that the statute 28 Edward III. cap. x. is express that the franchises and liberties of the city, upon such defects, shall be taken into the king's hands; that a body politic may offend and be pardoned, appears by the general article of pardon, 12 Car. II. whereby corporations are pardoned all crimes and offences; and the act for regulating corporations, 13 Car. II. which provides, that no corporation shall be avoided for any thing by them misdone, or omitted to be done, shews also that their charters may be avoided for things by them misdone, or omitted to be done.

'2. That the exaction and taking of money, by a pretended by-law, was extortion, and a forfeiture of the franchise of being a corporation.

'3. That the petition was scandalous and libellous, and the making and publishing it a forfeiture.

'4. That the act of the common-council was the act of the corporation.

'5. That the matter set forth in the record did not excuse or avoid these forfeitures set forth in the replication.

'6. That the information was well founded.'

"Thus this great and mighty body, which thought itself able to wrestle almost on even ground with the prerogative, was at last overthrown and subdued; and all the vast fabric of privileges and immunities, which it had been for so many ages piling up, sunk in ruins at the king's feet: both parties having alike contributed to its downfall; the malcontents by an intemperate opposition, and their adversaries by their implicit resignation; and the success of this experiment most effectually verifying the lord-keeper's favourite maxim, That his majesty might do by law, if not whatever he had a mind to do, whatever it was necessary for him to do."—RALPH'S *History*, I. 714.

THERE being so great a murmur and so much discourse, that the charter of this city of London is to be made forfeit, or else surrendered by a common-council, 'tis fit for every member of the city to understand, that the meaning or intent of such a forfeiture or surrender is to dissolve the body corporate or politic of the city, to spoil it irrecoverably of all its antient government, laws, customs, and rights, which have been its glory throughout Europe near two thousand years, to bring it into the same state with the country villages, only capable to be created a new body politic by the grace and favour of his majesty, and to obtain such privileges as the crown can grant, which are infinitely inferior to the customs, franchises, rights, and government it now holds by the laws and statutes of the kingdom.

If then there be any danger, either of a forfeiture or surrender of this city's charter, every member of it is concerned, not only in interest but in duty, to contribute what assistance he can to preserve and secure it.

For that purpose every citizen, upon taking his freedom, is sworn to maintain the franchises and customs of the city, and to keep the city harmless to his power; and whatsoever citizen shall openly attempt, or privately contrive, the destruction of the corporation, or any of its franchises, customs, or privileges, betrays the community, and violates his said oath, from which no power on earth can absolve.

The means at present projected for the forfeiture of the charter, and the utter ruin of this ancient body politic, is the prosecution of a *quo warranto* against it, assigning thereupon some acts of common-council, made and intended for the city's welfare, whereby is pretended a forfeiture of all its privileges, authorities, and wealth, and its very being. As if it were reasonable that a mistake in a common-council, in the extent of their authority, (if any such be,) should bring so great a city, and all its members, no way concerned in such mistake, to suffer such a heavy, dreadful, and unheard-of judgment.

The mischievous and fatal consequences of any dissolution of this ancient body politic are so many, that the wisest and ablest lawyers cannot number them, nor foresee the evils that may attend it: some of the most visible are these that follow, viz.

First, Whatsoever the city hath claimed and enjoyed in all ages, by customs and prescriptions, as their great inheritance, will be so extinguished that they can never be again revived by any grant from the crown; as

Tolls in their markets and fairs, for goods not sold, payable by freemen or foreigners, &c.

Water-bailage, and all duties thereby growing.

Wharfage, with power to distrain for the same.

Meetage, weighage, scavage, hallage.

Such customs likewise will be for ever extinct as are belonging to the several courts in London, and are different from the common law.

The jurisdiction of the ancient court of hustings will be lost in many things of great consequence, viz.

In holding pleas of land.

In all real actions whatsoever.

In correcting errors in the sheriffs courts.

In passing lands by recoveries.

Bargains and sales inrolled, which have the force of fines to bar *feme coverts.*

Inrolments of last wills and testaments.

The court of the lord mayor and aldermen.

The whole court of orphans, and their power and jurisdictions about their estates and marriages, and all authorities relating to orphans and their protection, and punishing, by fines and imprisonments, all offenders, &c.

The provision of widows and orphans, by the customs of which they are judges.

Their jurisdiction over all companies, fellowships, brotherhoods, to make them all consistent each with other, and useful to the whole body.

In the mayor's court.

The whole court of equity, and its jurisdiction in all matters whatsoever, whereby such a multitude of meaner traders are speedily relieved with small expences.

All their customary proceedings to arrest without warrants.

To arrest upon plaints entered for debts without summons.

All attachments for speedy recovery of debts.

Actions upon *concessit solvere,* without providing any consideration.

The plea *cognovit scriptum sed petit quod inquiratur de debito,* and thereupon the jury to find upon a bond the just debt and interest, and no more, whereby the people enjoy the benefit of law and equity by the jury at once.

The custom which prevents wager of law, return of juries by inquests of the ward.

Reading affidavits of persons absent, as evidence, which, in a trading city, is of great use.

Levetur, and all other customary proceedings.

All proceedings for discharge or relief of apprentices, for immoderate chastisement, and not inrolling.

Punishments of offenders for breach of all by-laws, by actions or informations.

Disfranchisements by informations.

Informations for ascertaining the bounds of wards, and many other customary proceedings there.

The sheriff's court.

The like jurisdiction as in the lord mayor's court, as to pleas, arrests, attachments, and many other proceedings, for speedy and easy justice within the city, which hath advanced the trade, wealth, and growth of the same.

The wardmote courts, and their jurisdictions.

The court of the chamberlain, for making freemen, binding apprentices, correcting their offences, turning them over, with many other useful powers thereunto belonging.

The court of conservacy of the river of Thames, and the waters of Medway, hath many ancient privileges and jurisdiction.

The court of conscience, because to be held before commoners, to be appointed by the present customary court of aldermen; and

The court of policies of insurance, though not held by custom, because the commissioners thereof cannot act till sworn before the now customary court of aldermen, by 34 Eliz. cap. 12.

There are also many privileges, exemptions, and immunities belonging to the persons or estates of freemen, by the custom of London, not enjoyed by grant, nor to be restored by charter.

That none but freemen shall exercise any trade in London, or keep any shop to buy and sell.

This privilege may be reckoned the general estate of the citizens, upon which they greatly depend; it is the fruit of their freedoms, which they obtain by their money or their service, or their fathers' copies.

'Tis this custom that restrains all that are not free of the city from having shops and trading there; puts a value upon every citizen; advances them in their marriages, and induces many to give good sums of money with their sons to be apprentices; and the rather, because many other privileges are by custom annexed to the freedom; as,

That a freeman of London may use his trade in any other part of England.

That a freeman bound to one trade, may set up any other, and use the same.

The custom of *feme sole merchants,* whereby the industry of the wife may provide for the whole family, and withal so useful to support poor widows and orphans.

Every shop in London is a market overt for the trade of the owner.

Creditors may arrest before day of payment, for better security.

Citizens may devise in *mortmain.*

Debts on simple contracts amongst citizens are equal to obligations under hand and seal.

The custom of an infant being bound by his covenants of apprenticeship.

The persons of freemen are exempted from all tolls in any place in England.

From most duties in London which foreigners are subject to; from serving on juries out of London.

To be discharged of wharfage, and many other privileges; all which must be lost for ever, though a new charter should be obtained.

There are also other general privileges depend upon the custom, not restorable by charter; as, that

The customs of this city shall be tried in the courts at Westminster, by certificate of the mayor and aldermen, made by the mouth of the recorder.

Custom to punish whores by the civil magistrate.

The forfeitures to the city, of goods foreign bought and foreign sold.

The customary powers of the Common-hall.

Entering into a house upon suspicion of bawdry.

To call a woman whore, actionable.

The offices of chamberlain, common serjeant, and common crier, as to the principal part of their offices relating to the orphans.

Secondly, All the authorities, liberties, immunities, and powers vested in the present corporation and their successors, by several acts of parliament, are not transferable to, or upon another corporation, but by the same authority, and will all be lost: some of which follow; as,

37 Hen. VIII. 12. Gives the mayor of this old and present corporation of the city power to determine controversies of tithes.

3 Jacob. 15. The lord mayor and aldermen are to appoint two aldermen and twelve commoners, to be commissioners for a court of conscience, for recovering of small debts, as is before mentioned.

3 Jacob. 18. The mayor, commonalty, and citizens, and their successors, shall make, have, and maintain a new cut or stream of water from Chadwel, Anwel, &c. to London.

22, 23, 25 Car. II. The several acts for rebuilding of London, so much thereof not yet executed, as relates to the mayor, &c. (viz.) lord mayor and aldermen to determine appeals concerning maintenance-money, assessed in lieu of tithes.

Power to value and sell unbuilt grounds; to determine controversies about lights, ways, and party-walls; to give satisfaction to owners.

43 Eliz. 12. The court of the policies of assurance, for the reasons before mentioned.

But, above all, there can be no revival of that solemn confirmation of all the liberties, franchises, free customs, and privileges of the city of London, by Magna Charta, which have been since renewed and confirmed thirty times in parliament; many of which were accompanied with the invocation of vengeance upon the infringers of the same and their posterity.

Thirdly, many privileges held by ancient charter of former kings, if lost or surrendered, can never be restored by any new charter from the crown.

The citizens, by ancient charter, are exempted from the duty to the crown of prisage of wines; but if the corporation be dissolved, every citizen is disfranchised, and thereby made liable to pay it; and the like exemption cannot be regranted by the king, at least till the determination of a long lease of the same duty in being, because his former grant will prevent it during the term.

In like manner the citizens of London are very anciently exempted from tolls throughout England, but if the corporation be dissolved, the crown is barred from regranting the like, by many grants of the tolls to others, from which no new exemption can be given.

Let such as read this small collection consider, that the ancient and excellent composition of customs, laws, and liberties in this city, made by the wisdom, and approved by the experience of so many ages, confirmed by twenty-three kings and thirty-three parliaments, must for ever be broken to pieces, with the loss of its charter.

And let them think, whether it be possible for any man, or number of men, to foresee the distraction, disorders, and mischief, that may be the event of such a fatal stroke, to so great a body politic?

The children unborn may groan under such consequences of it as are not now intended, nor can be imagined: Who can tell when the cries of the widows and orphans will cease? The supposed provision made for citizens wives and children is void and null, if the corporation be dissolved.

No new charter can give them any right to their customary shares and divisions of their husbands and fathers estates, so much depended upon in marriages.

The deluded fathers must be vexed with new cares, who have given great portions with their daughters to citizens, upon consideration only of the city custom, without taking jointures for them, or prospect of any other dower.

How great will be the distraction and confusion in and about the courts of justice, notwithstanding any provision which can be made by any new charter for other courts.

All causes and actions depending in the present courts, and the proceedings therein, must cease, as if they never had been; and all judgments obtained, not executed, will be void and null, and no citizen will know where or how to seek his former wonted relief, either in law or equity.

All the offices belonging to the city courts of justice must perish with the courts; and all the officers belonging to them, who have obtained their places by purchase, or otherwise, must seek out new ways for themselves and families.

The same sad fate will attend all the officers, whose offices depend upon the government of the city, or its magistrates, or its revenue; and if any of them should hope, by grace and favour, to obtain some new office under a new charter, they can never claim their old customary fees.

The present orphans, to whom the city owes their portions, must be turned to begging or starving, or to live upon the future charity of a new corporation. When the body politic of the city shall be dissolved, no creditor can implead it for any debt; neither can any of its debtors be impleaded.

The death of a corporation reduceth it to nothing; and 'twill then be as if it had never been. In respect of debts or credits, there can be no successor, heir, or executor, to demand or answer for the body that was.

Therefore, all the goods and chattels of the city must fall to the king, to be given and disposed of as he pleaseth.

And all its lands and real estate in the Exchange, Guildhall, &c. must of right revert unto the heirs of the donors, if there be any, or escheat to the crown for want of such heirs.

But the face of confusion is so full of horror, that will appear after the dissolution of this mighty body, by forfeiture or surrender of its charter, that I tremble to look upon it afar off.

The Lord Cook says, it would require a volume of itself to treat of the great and notable franchises, liberties, and customs of this city; and no less a volume would be necessary to describe the disorders, losses, distractions, mischiefs, and confusions, that must attend the destruction and the death of so great a body politic.

And the city of London, by this means, which is now one of the ancientest cities in the whole world, will, at the time of such surrender, be the youngest city and corporation in England.

The Last Will and Testament of the Charter of London.

Anno 1683.

In the name of our sovereign Lord Charles, by the grace of God, *Amen.* The kalends of May, in the year of our Lord God, 1683. I, Polycarpion, Charter of London, Alias Hydra, the many-headed monster, the rebellious subject and unprofitable servant of our lord the king, weak in power, but strong in will to stand in the opposition to my Lord and Maker, weak and infirm in body, but in good and perfect memory of all my former inormities, and sense of my present infirmities, do with great reluctancy of spirit most unwillingly, and with an evil mind, render and give into the hands of my gracious sovereign all the spirit of life and soul, enfranchisements, priviledges, freedoms, and immunities, with all the contents, clauses, particulars, and provisoes, which he and his noble ancestors have from time to time bestow'd upon me since he first fashion'd me into a body politick. And that factious body, whose mutinous members have brought me to this untimely end, I commit to the gaols and Newgate, the rope and hangman, from whence most of them took their original, and to which 'tis fittest they should return, there decently to be dispatch'd into the other world, not doubting but at the next resurrection of soul and body, members, and charter, I shall receive the same body again by the great power and indulgent bounty of a gracious king, who with me is able to subdue all the charters in England to himself, not a vile, corruptible, mutinous, factious, riotous, rebellious body, but a most obedient, loyal, conformable, sincere, and perfect body, and in all points more lasting and glorious than the former. First, as touching my wife Polyhimnia, with whom I coupled in fear and allegiance, till I went a whoring after my own invention, teaching other cities by my example to mutiny and rebel; and though my wife also turn'd prostitute, admitting all countries and nations, sects, and factions into her lewd embraces, yet because she was once my lawful wife, and hath born me many children, I therefore give and bequeath to her, as long as she shall remain a widow, the occupation of this whole body impolitick, with every individual member thereof, to occupy with all people, nations and commodities, even as I at present occupy the same. As also all profits, uses, and interests, rising out of any sum or sums of money, provided it be in any hands but the bankers, with the third out of all my goods, excepting leases upon the conventicles, with a third for her dower, all my goods excepted and always reserved to me and my heirs for ever, my golden chain and collar of S. S., my golden hanger, silver head-piece, sattin doublet and fursgown, all which, my will is, shall be annexed to the freehold, and remains as heirlooms to my successors and heirs for ever.

Let this suffice for my wife's portion, desiring that she may mend her lewd life, and be more diligent for the future in bringing up these our rebellious children in the principles of allegiance and loyalty, that the king may be to her a husband, and to her children a father, as he is to those that deserves it at this day, to whom I have bequeath'd all my tenements, goods, and aforesaid, provided they take not unlawfull toll upon the markets; for the rest of my children, tho' many of 'em, I fear, will never come to good, being led astray with the spirit of pride, sedition, faction, and rebellion, yet cause the law of nature requires that I should take some care for them. To Sr. R.

C——ton,[1] I bequeath all that the chamberlain has left of the common stock to purchase Badington mannor, with the demeasnes and appurtenances thereunto belonging, since there are no more dukedoms to be purchased, and 'tis thought that Tyburn paying his arrears next year to the city will yield a better rate than 20 per cent. in the bankers hands. To Sir T. P——er,[2] I leave all the mannor of Moorfields, with all the wenches and bawdy houses thereunto belonging, with Mrs Creswels for his immediate inheritance, to enjoy and occupy all from the bawd to the whore downward, at *19s.* in the pound cheaper than any other person, because he may not exhaust the chamber by paying old arrears, nor imbezel the stock by running into new scores.

Sir P. W——d,[3] because he fell from the truth, I cut off with an Oliver shilling. To Dr B. I leave all the advowsons of the church livings through London, and the liberties thereof, to turn into conventicles when he shall prevail against the church and government: to Hob——ld, the Jew, I do bequeath Baxster's meeting house, to be converted into a synagogue, because though the Jew be not so good a Christian, it's thought hee'l make the better subject of the two. Sh. B——l,[4] I do bequeath for ever the office of caterer to every whig's feast, and, in case no other be found, to be chief executioner to chop off the head of R. Monarchy, if he can get it in his clutches; to P——an and Du——is,[5] I leave a perpetual commission to lead all the factious tumults and riots in the city, in hopes, when they come to be hanged for mutinying, the captains will lead the van; to P——ton and Hitherinton,[6] because their scandalous tongues have devour'd their estates, I do bequeath the King's Bench for a mansion-house for ever, and, because they may not want fellow comforters in affliction, I do bequeath the C——ner with the wou'd-be sheriffs, (if they scape hanging in that time) to be their companions next year.

To those lawyers and quacks who pretended to prolong my life, but sent me faster into the other world, I leave 'em my back part to engross their ignoramus arguments and juries upon. To W——ny and M——rd I leave two balls of wax, which bear the impression of the great seal of England, to seal the bill of exclusion in the next prevailing parliament, and the rest to the Salamanca doctor to sign his blank commis-

[1] Sir Robert Clayton, alderman of London, and one of the whig representatives of the city, who attended the Oxford parliament. He is supposed to have been the chief profiter by the Duke of Buckingham's extravagance, much of whose property stood mortgaged to him.

[2] Sir Thomas Player, chamberlain of the city, described in Absalom and Achitophel, as

> "A saint that can both flesh and spirit use,
> Alike haunt conventicles and the stews."

[3] In the course of the tyrannical proceedings of this unhappy period, Sir Patience Ward, an eminent citizen, was tried for having perjured himself on behalf of the defendant in an action of *Scandalum Magnatum*, brought by the Duke of York against Sir Thomas Pilkington.

[4] Slingsby Bethel, the celebrated whig sheriff, who questioned the right of the king to convert the punishment of treason into decapitation in the case of the unfortunate Lord Stafford, executed for the popish plot. The jest of naming him *caterer* arises from his penurious disuse of the wonted hospitality of sheriff, during his holding that office:

> "Chaste were his cellars, and his shrieval board
> The grossness of a city-feast abhorred;
> His cooks by long disuse their trade forgot,
> Cool was his kitchen, though his brains were hot."

[5] Papillon and Dubois were the whig candidates for the office of sheriff against North and Box, proposed by the court. Sir Thomas Pilkington and others were tried for a riot in Guildhall during this contested election.

[6] Alluding to the large and most oppressive fines imposed on these persons, for alledged scandalous words spoken against the Duke of York. Pilkington's fine being no less than 100,000*l.* might well have devoured a private estate.

sions for the next invisible army of pilgrims, ready to land upon Banstead Downs. To all the rest of the plotters, sectaries, and dissenters, who have brought my gray hairs with sorrow to the grave, (if ropes shou'd be wanting) I leave my hyde to be cut into halters, that all rebels may have their just reward. And to all the loyal party I leave all the wealth, pleasure, and power of the city, with the two giants in Guildhall, to defend them from the violence of the factious tumults, till a new charter like your new London, rise more glorious out of the ashes of the old. And for the due and just performance of this my last will and testament, I leave the aforesaid Dr B——t my trustee, which I desire of him to preach my funeral sermon.

In witness, &c.

The Proceedings upon the Debates relating to the late Charter of the City of London, as also the entering up of Judgment against it, giving an Account of the most remarkable Transactions relating to that Affair.

See the full account of this celebrated case of Quo Warranto in the State Tracts, vol. III.

THE liberties, franchises, &c. of the city of London, being adjudged forfeited, and liable to be seized into the king's hands the last term, by the judges of his majesty's court of King's Bench, his majesty ordered his attorney general to stay the entering up of judgment till further orders; and, upon receiving the humble petition of the lord mayor, aldermen, and commons, in common council assembled, was pleased, by the lord keeper, to require their submission to divers regulations of their charter, relating to his approving of the lord mayor, sheriffs, chamberlain, town-clerk, aldermen, &c. upon their elections, to consider of which a common council was called; and after divers debates it was resolved by the majority of votes, that it was altogether necessary and expedient for the preventing the fatal consequences that might insue upon judgment being entered up, (if they refused) to comply with his majesty's demands, that so the old charter might be continued without any alteration; of which their ready compliance they assured his majesty by the recorder and sheriffs; but so it happened that, when they came to seal the instrument drawn up for that purpose, many seemed unsatisfied, and were rather inclinable to the surrender of the whole, than to have it abridged in part; the which, on the 28th of September, was debated in common council, where divers speeches were made by the aldermen and commons, debating the matter earnestly. After which, Mr Recorder was desired to deliver his opinion, who, at the instance of the lord mayor, did to this effect, *viz.* That he had made it his business for some time past to consider seriously the matter in debate, and had therein consulted the attorney general, and divers other learned council, and that thereupon it did not appear to him, but that the charter would be much weakned by restriction, and he could not see how afterward they could plead prescription; therefore, in his opinion, it was necessary well to consider what was to be done, and that it was convenient to consult council farther therein, and then proceeded to relate divers particulars that had

passed in former debates upon the occasion of the charter; insomuch, although Sir Dudley North, and divers other aldermen, and a great number of the commoners, were for complying with his majesty's demands, saying, that they could not in point of honour go from their word and obligation, it was resolved, that a committee should be chosen to consider of the affair, and another common council to be assembled on the 2d of October, 1683, to hear the reports of those entrusted to debate the matter; who were also to have council allowed them, &c. These things passing, although Peter Daniel, Esq. and Francis Dashwood, Esq. were sworn sheriffs at Guildhall, yet, upon their going to Westminster to be presented at the swearing the old sheriffs to their accounts, before the puissne baron, that ceremony was deferred; yet Mr Recorder, in the name of the said sheriffs, invited the barons and officers of the court to dinner with them, as is usual.

The 2d of October being come, the court of aldermen assembled, as likewise did the commons in council, to hear the reports of the committee, where divers debates passed *pro et contra;* and many speeches were made, some for sealing to the regulations, others for the surrender of the entire charter, without any further consideration; insomuch, that some hot or hasty words passed; but in the end, after Mr Recorder had made a long speech, wherein he declared at large the whole proceedings from point to point, opening the matter, reciting some precedents of the like nature in the reign of former kings, acquiescing in the opinion of the committee as to a surrender, it was put to the vote, though not without some difficulty; many alledging that divers of the common council and some of the aldermen were out of town and absent; and this matter was no other than a surprize, yet so it was ordered, that in the end it being concluded on; the poll run thus, 83 were for sealing to the regulation required by his majesty, and 105 against it, after which many debates happened, insomuch that they broke not up till eleven of the clock in the evening.

Upon notice of what had been resolved, and the retraction of what had formerly been agreed to, Mr Attorney General caused, as we are credibly informed, judgment to be entered up, so that the charter being actually seized, his majesty was pleased, by commission, to appoint the present lord mayor to continue as custos of this city, &c. and that the late elected sheriffs by commission likewise are, or suddenly will be, sworn. Mr John Connor likewise to be recorder in the room of Sir George Trebie, and that divers aldermen will be appointed in the room of such as his majesty is pleased to displace, whose nomination will be very suddenly; and on the third instant in the evening, the lord mayor went to Whitehall in his coach, attended by his officers, to wait upon his majesty, to know his further pleasure, (not being accompanied with any of the aldermen) where he was received: And after some conference about the juncture of affairs relating to the city, was dismissed, and, according to order, went again this morning, accompanied by the new recorder and the two sheriffs, when, being introduced, he had the charge and care of the city recommended to him, his lordship promising to do all that in him lay to serve his majesty therein; after which Mr Recorder being introduced into the bed-chamber, was commanded to kneel, which he doing, had there, with the usual ceremonies, the honour of knight-hood conferred on him by his majesty. After which he, with the lord mayor and sheriffs, returned to their charge.

Some Observations concerning the regulating of Elections for Parliament, found among the Earl of Shaftsbury's Papers after his Death, and now recommended to the Consideration of this present Parliament.

" That is to say, the Convention Parliament, for it was not till then that these observations were made public. In the title-page we moreover find these authoritative words, " With allowance;" and, not to insist that they were printed for Randal Taylor, whose name we find prefixed to many of the most noted whigish papers of those times, it is reasonable to conclude, from the goodness of the paper and print, the correctness of the text, &c. that it was neither published by a common hand, nor as a mere matter of amusement: but whatever stress was laid upon it, or the great name that appeared like a letter of recommendation in the front of it, the parliament shewed no inclination to adopt the system it contains, or to make any alterations in their own, notwithstanding one of the patriot-parliaments in the reign of Charles II., under the direction of that very earl, had in part set them the [1] example."

THE parliament of England is that supreme and absolute power which gives life and motion to the English government: it directs and actuates all its various procedures;

[1] As appears by the following draught of a bill for regulating the abuses of elections, which was read a second time, and committed by the House of Commons, upon Saturday the 5th of April, 1679, and afterwards offered as advice to the consideration of the whole kingdom.

" For the remedying the many and great disorders, miscarriages, inconveniences, disputes, and contests arising about the elections and returns of knights, citizens, and burgesses to sit in parliament, Be it enacted by the king's most excellent majesty, lords spiritual and temporal, and commons assembled, that, for the time to come, every person that at the time of any election of knights of any shire or county at large, is, and by the space of one year next before such election hath been a householder and inhabitant in the same county, and within the same by all that time hath been (without fraud or design thereby to enable himself to give voice) charged, rated, taxed to, and have paid and borne his scot and lot towards the maintenance and defraying the poor, and other public charges and payments, and who is not under one and twenty years of age; and is worth two hundred pounds in fee, clear estate of his own, over and besides his debts, charges, and engagements by him owing and payable, or engaged in; and none other shall have vote, voice, and be elector of knights of the county or shire wherein he so inhabits or dwells. That in every in-shire city or town that is both city and county, and in every other city, town, borough, or place that now do, or hereafter shall send members to the parliament, (except the cities of London, York, Norwich, Exeter, and Bristol,) every person at the time of such election of members to sit in parliament for any such place, that, at the time of such respective election, and by the like space of one year before, hath been a householder and inhabitant within such respective city, town, borough, or place, (except before excepted,) and by all that time hath been there charged, rated, taxed, and paid scot and lot, without fraud, as aforesaid, and not under one and twenty years of age, and none other shall have vote and voice, and be elector in such respective city, borough, town, or place, any law, charter, or *non obstante* in any charter to the contrary notwithstanding. And that the respective sheriffs and other officers, to whose care and management the elections are committed, have hereby power and authority to administer unto, and to examine upon oath the parties themselves concerning the qualifications and matters aforesaid. That for the future, no person by himself, or others by or with his consent and approbation, shall, by feasting, treating, entertaining with meat, drink, or otherwise; or by bribes, presents, rewards, or gifts, given, spent, promised, or engaged to, upon, or amongst the electors, or to or for their use or benefit, or to or for the only benefit or advantage of any county, city, town, or place sending members to parliament, or the inhabitants thereof, or under any pretended charity for the poor of any such town or place, directly or indirectly, labour or endeavour to obtain or pro-

is the parent of our peace, defender of our faith, and foundation of our properties; and as the constitution of this great spring and *primum mobile* of affairs is in strength and

cure elections of any person, or persons, to be members or representatives to sit in parliament, under the pains and penalties ensuing, (to wit) that every such person so labouring or endeavouring, by any such undue and illegal ways and means, shall be hereby disabled and uncapable of being or sitting as a member of that parliament, and also shall forfeit the sum of five hundred pounds: And that the city, town, or place where any such feasting, treating, or entertaining shall be manifestly and notoriously admitted or suffered, shall from that time forfeit their privilege of sending members to parliament: And in lieu thereof, an election to be made of members in their stead in some other town or place within the same county, or else in the county at large, as the House of Commons, in the next ensuing parliament that shall have or take notice of such forfeiture, shall appoint and direct. And it is hereby further enacted, That all and every justice of the peace, mayor, bailiffs, and constables, having jurisdiction or authority in any such town or place, for the suppressing and preventing the misdemeanors and evil practices aforesaid, are hereby commanded and required not to permit any such feastings, treatings, or entertainments for, or in order to the end aforesaid, but upon oath and examination, (which they are hereby empowered to administer,) or upon their own view, to arrest and apprehend all such misdoers, and them to commit to gaol, there to remain till they have good and sufficient security not to offend in that kind for the future, and appear at the next assizes, or general sessions of the peace for the county or place where the offence shall be committed, there to be proceeded against, and punished for his said offence according to law: And that if any of the officers or ministers aforesaid, having information upon oath, or other sufficient evidence of the fact, shall refuse or neglect to do his duty herein, he shall forfeit the sum of one hundred pounds for every such neglect or refusal: And that if any mayor, recorder, alderman, town-clerk, burgess, portreeve, bailiff, magistrate, or officer shall permit or suffer himself to be feasted, treated, or entertained, or shall directly or indirectly accept, take, or receive any bribe, gift, present, or reward, to the intent and end aforesaid, he is hereby disabled to give any vote, or to be elector; and moreover shall, for every such offence, forfeit the sum of one hundred pounds. And it is hereby likewise enacted, that no writ or suit shall be hereafter sued, prosecuted, or proceeded for wages, or any sum or sums of money due or demandable for wages, by any knights, citizens, or burgesses, for or in respect of their services in parliament; but all such wages are, and from henceforth shall stand released and discharged; and for the avoiding of the abuses and undue means too often used by sheriffs, under-sheriffs, mayors, bailiffs, and officers, about such election and returns, and that there may be just, fair, and legal elections and returns hereafter made, be it further enacted by the authority aforesaid, That no sheriff, portreeve, bailiff, magistrate, or officer (except only when need requires, from the evening to the morning of the next day succeeding, till election be determined, or to some convenient place within two miles of the town or place appointed or set for such election) shall adjourn the said election from that day or place appointed or set for the same, but shall fairly and indifferently proceed to finish the election as soon as conveniently he can, at the time and place appointed, without any other adjournment *de facto* be made contrary to this act, the proceeding afterward shall be void, and the person that had the majority of voices at the time of such unlawful adjournment shall be the person duly elected, and shall be returned so to be: And if any person shall hereafter be, for consideration of money, bribes, presents, gifts, or rewards, directly or indirectly, given or promised, or engaged to be given, or for fear or favour, by any sheriff, mayor, bailiff, portreeve, or officer, wrongfully and unduly returned to be the persons elected, which in truth and reality was not; or if any sheriff, under-sheriff, their clerks or ministers, or any mayor, recorder, town-clerk, portreeve, bailiff, or other officer or magistrate, intrusted with the ordering or making such election or returns, shall fairly, justly, honestly, and impartially, according to the best of his skill and diligence, act and do his duty in the premises; in every such case the party offending shall forfeit, if a sheriff, the sum of five hundred pound; if a mayor, or other officer, or minister, two hundred pound, and treble damages to the party grieved; and that all securities, promises, and engagements made or given to any officer, for the indemnifying or saving harmless concerning the premises, shall be absolutely void and of no effect; and every party giving or making such securities, promises, or engagements, to forfeit five hundred pound for his offence in so doing: And further, for the avoiding all exactions, extortions, and briberies, under the pretence of gratuities, presents, or recompence, for dispatch, or towards charges or otherwise, by any sheriff, under-sheriff, sheriff's-clerk, or minister, or by any mayor, portreeve, bailiff, or other officer or minister, hereafter to be taken, Be it enacted, that none of the said officers or ministers shall, directly or indirectly, take, have, or receive, or agree, or contract to have or receive for any warrant or present, upon, or by virtue of any writ for election for parliament, or for any return of any writ, mandate, or precept, above the sum of two shillings and sixpence, under the pain of forfeiting ten times as much as he shall in such case take over and besides the sum of two shillings and sixpence, together with costs in every such suit to be recovered: All and every the penalties and forfeitures aforesaid (except the said forfeitures of treble damages) to be recovered by him or them that shall and will sue for the same in any court of record, within the space of one year next ensuing such cause of action accrued; in which suit there shall be no allowance of, or admission of any privilege of parliament, or other privileges, or of any protection or injunction; nor of any plea of another action or information for the same offence depending, (except oaths be made in the court, where such plea shall be pleaded by both the defendant and plaintiff, and real prosecutor therein, that the same is really and *bona fide* brought for recovery of the forfeiture herein, without any fraud or design to excuse or defend the offender from the forfeiture by the statute imposed,) which the court, where such pleas shall be

beauty, so will also all acts and performances which are derived from it bear a suitable proportion and similitude. For whether the constituting members of this great body be such as may give it the denomination of *sanctum*, *indoctum*, or *insanum*, (by which epithets some former parliaments have been known and distinguished,) such will also be all the acts and statutes which are made by them, each naturally wearing the character and likeness of that to which it owes its being.

This great council bears a date, coævous perhaps with the originals of our government, and was constituted with sufficient prudence and caution, with relation to the innocence and ignorance of the times and people then in being. It was then that a deed of three inches square was sufficient to convey away twenty good manors and lordships. But subtilty and cunning having now made some bolder advances into the world, we are forced to alter our measures, and instead of inches to take ells. It seems therefore necessary, as in things of smaller concernment, so most especially in matters of so much greater moment, (as is the settling and fortifying our parliament,) so to erect its bulwarks and rampiers that the most vigorous attacks of fraud and corruption may make no breaches or inroads into it. It is here our care and diligence ought to be applied with the greatest exactness; for, as our laws and government are established, we can derive our happiness or misery from no other source. It is from the fruit of this great council that we must expect our nutriment, and from its branches our protection. I hope therefore it may not seem over officious, if, with the skilful gardener, I do open and expose the roots of this great tree of the commonwealth, with an intent that every branch and fibre may with the greater ease and conveniency be so trimmed and laid, that no defects or redundancies may continue; but that every individual of this great body may happily conspire to produce that peace and tranquillity in the nation which may be expected from their councils and a well-constituted government.

It seems then reasonable to believe, that the privilege of sending representatives to parliament (though grounded upon a natural and fundamental right in the people) was at first immediately derived from the king; for that, where histories and records begin to transmit memorials to succeeding ages, we find him sending his writs, directed to such persons, towns, or vills which he thought most considerable within the kingdom; by virtue of which writs elections were accordingly made, and representatives returned to parliament. That the king's prerogative does still extend to grant this franchise to such other towns or villages as he shall think fit, I cannot affirm, because some [1] learned in the law assure us it cannot legally be done but by act of parliament. But others are

pleaded, are hereby enabled to examine, and, according to the truth and reality thereof, to allow the said plea or not; and, for the better observation of this act, all sheriffs of counties at large shall, in the place where election is to be made, immediately before they proceed to take the votes of the electors, cause this statute to be audibly read in the presence of the electors; and that all sheriffs of inn-shires or cities, or towns that are counties of themselves, mayors, portreeves, bailiffs, and other officers and ministers respectively, shall, immediately after the receipt of any writ or precept for such election, or certain knowledge of a parliament to be chosen, set up this act in their respective halls or other public places, to be read and viewed; and also on the next Lord's day after such certain notice of such parliament to be chosen, or after receipt of such writ, precept, or mandate for such election, and before the time of election, and the time of the election, cause and procure this statute to be publicly and audibly read in the churches of their counties, cities, towns, or boroughs where such respective elections are to be, immediately after divine service ended, and before the people assembled are departed. And further, for the prevention of the long continuance of any parliament for the future, and thereby depriving the king and kingdom of the benefits of successive parliaments, it is hereby enacted, That no parliament shall hereafter have continuance in any manner, prorogation, or adjournment, or session, or partly by one and partly by the other, or otherwise howsoever, for above the space of two years from the day of the return of the writ of summons next ensuing, but at the end of the said two years shall be *ipso facto* dissolved: And that in every indenture hereafter to be made or sealed by any electors therein inserted, that the person or persons are hereby authorised to serve in parliament for the space of two years, from the day of the return of such writ of summons next ensuing, if the said parliament shall so long continue, and no longer."

[1] Pryn's Register of Parliament Writs, 1 part, f. 238. b.

again of a contrary opinion, as was adjudged in the case of [1] Duncannon and [2] Newark. It is certain that parliamentary matters were never settled otherwise than by act of parliament, as appears [3] by several statutes in such cases made; and we also find the privilege of sending members to parliament given to several places by [4] act of parliament, which had been unnecessary could the king alone have granted it by any other method. It is, moreover, a thing of very dangerous consequence to have such a power lodged in the king alone; for then he might thereby infranchise what number of vills he pleases, and by the same power place the election of their representatives in a select number, such as he should always have the power to direct and appoint, which would be in effect to chuse his own parliament, and thereby to make or repeal what laws he pleases. Wherefore I conceive this point ought now to be settled, so as for the future to obviate all such inconveniences which might otherwise ensue.

Another thing, which also requires the care of this great council, is to limit and restrain the exorbitancies of a *quo warranto*, so that the electing boroughs may have their privileges and immunities secured from the judgment of a corrupt judge, who derives his being, and holds his judicial breath only *ad voluntatem domini*. If this grievance be not obviated by some good law, a king may as well destroy all the old boroughs as erect new ones, to the inevitable overthrow of our laws and government.

In the next place, I conceive it may become the prudence of this parliament (from which we may expect the foundations of our happiness will be so laid as to become impregnable against all the future assaults of an invading tyranny) to look into the constitutions and customs of such boroughs which have right to elect, and which, in several particulars, seems to require a touch of the supreme authority to set them right. The first inconvenience they labour under is the variety of their respective titles, some claiming to elect by prescription, others by grant; some again by a select number, others by the populacy; some by the magistrate and burgesses, others by the magistrate, burgesses, and freemen; others again by the magistrate, burgesses, freemen, and commonalty; and some also in respect of their ancient borough houses only; the rest of the town, which is the much more considerable part, being excluded. The grievance which grows from this difference of title in several boroughs, is often ambiguity and uncertainty of title in the same borough; for sometimes the select number contends with the community, one borough house with another, &c.: and from hence it is that we have usually so many petitioners in each parliament, the magistrate not knowing which of right ought to be returned. Nor can a committee of elections ever settle their respective titles by a final determinative judgment; for we find it often giving an opinion upon one and the same title, and in the same borough, differently, as favour and power can make the stronger interest. All this may be remedied by an act, which should give one and the same new title to all the electing boroughs in England and Wales, by which alone they should all, for the future, claim to send members to parliament, thereby settling the electing power in such persons (whether they be a select number or the whole populace) as in prudence should be thought most convenient.

The design of chusing the members of parliament by the people was, that no laws should be made, no monies raised, nor any course pursued, by those who sit at the helm, but with the steerage and direction of the people by their representatives. Now, by all the laws and rules of representation, no town, city, or body of people, can be represented without a vote in the choice of their representative. That the parliament, as now constituted, is no equal representative of the people, is notorious; in that several boroughs, so inconsiderable, that they contain not above three or four houses, send each of them two representatives to parliament, whilst others (which contain an

[1] Hob. Rep. f. 14. [2] Journal of the Commons House. [3] 5 R. II. c. 4. 1 H. V. c. 1. 23 H. VI. c. 15. [4] 27 H. VIII. c. 26. 34 H. VIII. c. 13. 35 H. VIII. c. 11.

hundred times their number of houses, people, trade, and wealth) have no representative at all in the management of public affairs. So also the county of Cornwall sends no less than forty-three members to parliament, whilst the city and whole county of Chester sends but four, and the twelve counties of Wales but twenty-four amongst them all.

From this inequality of representation, it follows, that acts are often made which redound to the prejudice of the whole body of the people, merely to advance the gain and advantage of some particular places, as was that which prohibited the importation of Irish cattle, being carried principally by the supernumerary votes of some counties, which have more electing boroughs than, upon a just and equal dividend, do fall to their share; and these being generally of a dry and barren soil, are thereby chiefly adapted to the breeding of cattle, which benefit would have been diminished by an inlet of beasts from Ireland. This inconvenience may be easily removed, by depriving towns of less note of this franchise, and bestowing it upon others of greater consideration in the same, or in other counties which most want it, as do those of Cambridge, Bedford, Hertford, Huntingdon, &c.

Where the electing right is committed to a select number, I think it were desirable, that the electors should be chose annually, and not be tenants for life in their electorate; this would, in a great degree, prevent pre-engagements and corruption, which often happens where a power by long continuance in one person is apt to stagnate and putrify.

The great number of electors in popular boroughs, and in chusing knights of the shire, requires to be regulated and limited, and the power of election to be fixed in the optimacy only. My reasons for this are, that, amongst the electing crowd, the majority is generally of a mean and abject fortune in the world, and thereby subject not only to disorders and quarrels, but to be misguided also by their ignorance and total want of that discerning faculty, which electors in such weighty concerns ought to have; they are, moreover, under the temptation of being corrupted and seduced by the inveiglements of a little money, or a pot of ale, whilst those whose circumstances are more enlarged have their thoughts so likewise; being thereby raised beyond such low allurements, and rendered more careful how, and into whose hands, they dispose of this great trust, the breach whereof might at once rob and deprive them of that their substance, which has been the acquisition perhaps of some ages. It was for those and several other reasons mentioned in the preamble, That, by the statute of the 8th of Henry VI. c. 7. it was enacted, that no knight of the shire should be chose by any who had not a freehold of the clear yearly value of 40s. per annum, which was then as much in value as 40l. per annum is now, or has been since the finding out of the American treasure, and the enlargement of our trade. And I think it but reasonable that as the value of money falls, so the wealth of the electors should rise, and that electing votes in the county should again be limited to such only who now have lands and tenements to that value, which 40s. per annum bore in those times when this act was made. If this particular were thus regulated, the numbers at the county elections would be reduced, probably to a fourth part of what they now are, and thereby the unreasonable expence in entertaining so great a crowd, and the great dangers which may accrue from such an ungovernable multitude, would be, in a great degree, avoided and prevented.

As the persons electing ought to be men of substance, so, in a proportioned degree, ought also the members elected. It is not safe to make over the estates of the people in trust to men who have none of their own, lest their domestic indigencies, in conjunction with a foreign temptation, should warp them to a contrary interest, which, in former parliaments, we have sometimes felt to our sorrow. Wealth and substance will also give a lustre and reputation to our great council, and a security to the people; for

their estates are then pawned, and so many pledges for their good behaviour, becoming thereby equal sharers themselves in the benefit or disadvantage which shall result from their own acts and councils.

Thus a good estate may be a good security to engage faith and honesty; but he who sits at the helm of government ought not only to be a graduate in fortune, but in prudence and experience also. To me it seems extremely irregular to see the unfledged youth make his first advances into the world in the quality of a burgess for parliament, chosen upon no other account, but because it was his fortune by his father's early death to become the landlord of a neighbouring borough, or is, perhaps, its best customer, deriving from thence the necessaries of a numerous family. Forty years (whereof twenty-five are generally spent in childhood and vanity) seem to be few enough to entitle any one to the grandeur and gravity of an English senator; and why so many, who seem by their greenness to be as yet but a novelty to the world, should be admitted to a place in this great council, whilst those of greater age, wisdom, and experience, must be excluded, I do not understand.

By the 1 H. V. ch. 1. it is enacted, That every knight of the shire should be chosen out of such who are resident in the county, and every citizen and burgess from amongst the citizens and burgesses of the cities and boroughs electing. How far this act ought to be observed will be worth consideration; for a confinement in this case seems to be an abridgement of a free choice, and it often happens that men of the greatest knowledge and experience in the affairs of the kingdom have their abode principally in the metropolis, especially such of the long robe, who, by their profession, are obliged to it. But the non-observance of this act, on the other side, has been often the occasion that courtiers have bolted into country-boroughs, and, by the strength of their purse, and liberal baits, have so seduced these poor rural animals, as to obtain an election from them, though to the ruin and overthrow of their own laws and liberties. The chusing of such men to serve in parliament might probably be obviated, by an act prohibiting the expence of any money by treats, or otherwise, in order to be elected, it being only to these indirect methods that such persons usually owe their success.

But when all is done, it will be found difficult (though with the greatest art) to bring an old irregular structure into a convenient uniformity, otherwise than by razing it to the ground, and erecting a new pile by some better contrived design. For although all the defects and irregularities in the election of members for parliament before-mentioned should be removed and altered, yet there still remains something in the very constitution of this part of our government, which is not so agreeable to a curious thought. A true and perfect model to build by is what I dare not pretend to give, yet that which follows may afford some hints and assistance to a better fancy and judgment.

In respect, then, that every individual person in the nation has a natural right to vote in this great council; but this being impracticable, they are forced to do it by proxy, (that is,) by devolving this right upon certain common representatives indifferently chosen, for certain select numbers and communities of men, in which the whole body of the people is, or ought to be comprehended; and whereas every *pater-familias*, or house-keeper, is a natural prince, and is invested with an absolute power over his family, and has, by necessary consequence, the votes of all his family, man, woman, and child, included in his, let then the sheriffs precepts be directed to every parish within his county, which, the next Sunday following the receipt thereof, may be publicly read after the forenoon sermon in church; thereby giving notice to all the housekeepers in the parish to meet at a convenient place and certain hour the day following, in order to chuse an elector for the county. Let also the church-wardens of each parish prepare a list of eight or ten of the most eminent persons for wealth, gravity, and wisdom in their parish; this list to be brought the next day to the place of election,

to this purpose, that every house-keeper do, by a dot with a pen, adjoined to the person's name whom he inclines to elect, declare his choice, and that, by the plurality of dots, the elector be returned by the church-wardens to the sheriff. This done in each parish, let the sheriff prepare a list in the same manner of the names of all the gentry in the county, who are each worth in lands and moveables at least 10,000l. all debts paid, and not under forty years of age; which being in readiness, let all the representatives of parishes, chosen as aforesaid, repair to the county town the very next day after the parish election is over, and there proceed to elect out of the sheriff's list, seven, nine, or eleven members to serve in parliament, or so many as upon a just dividend, shall be thought expedient to complete the number of members which are to act in this great council.

Before the electors proceed to chuse for the county, it might probably be convenient to administer an oath to this purpose: "That their vote is no way pre-engaged; and that they will chuse, without favour or affection, such members as in their conscience they do believe most fit to serve in parliament." And that to the members elected upon their admission to the house, this oath, together with the others in use, be administered, viz. "That they are worth 10,000l. all their debts paid; and that, directly or indirectly, they did not expend any money, or gratuity whatsoever, in order to their election; and that they neither have nor will receive any gratuity whatsoever upon the account of their vote in parliament, but that they will, in all matters that shall come before them, act uprightly according to their conscience and understanding, without any private design, favour, or affection to any."

That, to prevent the inconveniences of fear and favour in electing, the method be such that none may know on whom the electors votes were conferred; and it may be thus performed: Suppose a room with two opposite doors, and a table in the middle, on which the list shall be spread, all the electors being at one door, let them go in one by one, each writing down his dots, and going out of the room at the other door before another comes in; or, if this may prove tedious, it is only placing more tables in the room, with every one a list on it, and so many may then be admitted in at once as there are lists, which will make greater dispatch, and yet no discovery, in that every list is upon a separate table. To prevent, also, all fraud and indirect practice, it will be convenient that the officers concerned in the elections, both in parishes and in the county, be upon their oaths. It is also fit that a limited allowance be made for the expence of the day, which is to be in parishes at the parish charge, and in the county town at the charge of the county.

If any controversy arise about elections, either in the parishes or counties, (which in this method can scarcely be supposed) it may be decided by the votes of the remaining persons upon the list who pretend to no election. If several persons happen to have an equal number of votes, it shall be determined by lot. If any person, from any part of England, shall send his name to any particular county, to be inserted in their list, as a person qualified to serve in parliament, it may be done, but none to stand candidate in more than one list at a time, lest he should be chosen in both counties, and so occasion the trouble of a new election. That the same list of candidates shall continue till the dissolution of the parliament, if it sits not above three years; and upon the intermediate death or removal of any of the members for the county, then he who had the next majority of votes upon the list to succeed in his place without further trouble or charge of election.

By this method, the parliament will be a perfect representative of the whole body of the people, and also of every numerical person in the kingdom. Here can be no partial (and consequently prejudicial) acts made by separate interests and factions; none will sit in this great council but men of gravity, wisdom, integrity, and substance; no pensionary members, no unfair elections, no foul returns, no petitioners kept in attend-

ance till a dissolution, no *quo warrantos* to destroy the natural fundamental rights of the people, no room for corruption, bribery, and debauchery, either in the electors, or the members elected, no patrimonies wasted in the extravagancies of an election, no bankrupts shrouding themselves under the shelter of a parliamentary privilege, no unruly rabbles, tumults, factions, and disorders in election, amongst the commonalty, no heats and animosities amongst the gentry often caused by their violent competitions; but all will be managed with that evenness, justice, and temper, that nothing can more effectually conduce to the securing of our liberties and properties, the grandeur of our government, and the honour of our nation, than such an establishment.

The Duke of Monmouth's Case, with all the very strange Crimes and great Misdemeanours alledged against his Grace, in a whole Dozen of Articles.

On the 20th of September, 1682, the triumphant progress of the Duke of Monmouth through the western counties was terminated by his being arrested at Stafford, on a warrant from the Secretary of State, bearing that "he had lately appeared in several parts of this kingdom, with great numbers of people, in a riotous and unlawful manner, to the disturbance of the public peace, and to the terror of his majesty's good subjects." Having sued out his habeas corpus, he was set at liberty upon bail, after having been five days in the messenger's custody. This instance of the king's firmness was calculated to strike dismay into the adherents of Monmouth, and such publications as the tract which follows were dispersed to keep up their spirits.

THE tories have always the ill luck to over-do and ill-time their business; their malice and rage is so great against the protestant religion that it blinds them, or else they never would have made an information of a riot committed by a person of that rank, blood, and fortune, as the Duke of Monmouth is, who, in spite of all their abusive instruments, machinations, and disgrace, continues his loyalty to his prince, together with his love to his religion, country, and the English nation; I say, had they not been blinded with rage, folly, and madness, they would not have accused such a person on so frivolous occasions. O blessed act of parliament! that secures the English liberties, and renders an Englishman bailable, that he may not be sent to the Tower, or Newgate, or any other prison, upon every objected crime. God defend our prince and our laws, our religion and our liberties, and continue both nobles, gentry, and commonalty, in their obedience and loyalty: We need not fear whilst we have so good and gracious a king; and yet some things seem strange to the Christian world, that the meanest of the rascality dare abuse the royal blood, and that others are permitted to alledge, on so groundless an occasion, a riot upon a person that has borne so great a figure in the world, that has commanded an army, that has shewn invincible courage and bravery, that has the blood of Charles the good and the great running in his veins. —Some would fain render him Absalom a traitor, who is rather like the young Scipio, ready with his sword to rescue his father from the danger of his enemies, or like Æneas, ready to carry him in his arms from amidst the flame of a burning city, and who is ready, together with his prince, to defend his country and the established religion of the land; hence arises the hatred, the malice, the rage of undermining enemies, for

the sake of his religion, and because he is beloved by the people; and though nothing in all his actions can be picked out to render this noble and loyal person criminal, or that by the severest of our laws tends any ways to it; yet, rather than not shew their malice to his grace, whom some think they may tread upon with impunity, they have drawn up articles purporting a riot, which allegations, for the satisfaction of the world, are here printed:

The strange Crimes and Misdemeanors alledged against his Grace James Duke of Monmouth.

Imprimis, That the Lord Colchester had caused to be hired fifteen post-horses for the Duke of Monmouth and his retinue, to ride to a horse-match beyond Chester.

II. That the Lord Colchester was seen to whisper with another gentleman for almost half an hour.

III. That his said grace was met by several companies of people on the way as he passed along, to the number of some thousands, and most highly broke the peace in crying, God bless the king, the protestant religion, and the protestant duke.

IV. That he had willingly assented to be most splendidly treated by all the truly loyal gentlemen of the country, to the great grief and sorrow of heart among all the tories.

V. That on the same day his grace won the plate at Walesie, several persons made bonfires at Chester, and drank the king's health with great joy and acclamations, though some of the disaffected tories flung chamber-pots on their heads, for which the others returned a volley of stones at their windows in requital of their rudeness.[1]

VI. That divers gentlemen met together to dine without any braces of bucks sent them by Mr C——ch; and did highly derogate from the principles of the tories, in drinking the king's health before the Duke of York's.

VII. That some persons in his grace's company were heard to affirm, that a popish successor was no very good expedient for the establishment of the protestant religion.

VIII. That his grace should ride with several tory gentlemen for the plate at Walesie, and win it from them, to the great grief of the nation.[2]

IX. That the said James Duke of Monmouth should be heard to declare, that he would willingly lay down his life in preservation of his majesty's person and government as by law established.

X. That his grace believed there was a popish plot, and no protestant or presbyterian plot whatsoever, as the tories would fain have the people believe.

XI. That in like manner he did not believe the five jesuits and Coleman (executed at Tyburn) died martyrs.

XII. That he should declare he would never consent or assent to the establishing popery here in England.

[1] "The news of his grace winning the plate at Wallesley race, no sooner arrived at Chester, but it filled the whole town with joy, which was expressed by bonfires and other marks of public rejoicing, whereat some of the duke's enemies were very much affronted that he should not only win the plate from their tory friends, but that there should be such universal joy expressed upon that occasion, wherefore they endeavoured to wreak their revenge upon the young people who made the bonfires, by putting out their fire, and throwing things out of the windows upon their heads, which insolencies angered them so much, that at last there was some bustle between them, and some windows were broke, whereupon several persons who were actors therein were bound over to answer it at the sessions."—*The Heroic Life and Actions of James Duke of Monmouth*, 12mo. 1683.

[2] "At the race he was pleased to ride his own horse, and, to the inexpressible grief of his enemies, won the plate, which he was pleased to bestow on the mayor of Chester's daughter, for whom he had stood godfather." *Ibid*, p. 128.

To all which articles and allegations his grace was told he must give in sureties for the peace, or otherwise stand committed to the serjeant at arms, till he should be released by due course of law.

His grace found noblemen and gentlemen enough to be his bail very readily, and accordingly his grace gave sufficient bail, whose names are here inserted, *viz.*

The Lord Russel.
Lord Clare.
Lord Gray.
Leviston Gower, } Esquires.
John Offly, }

A List of all the Conspirators that have been seized (and where committed) since the Discovery of the horrid and bloody Plot contrived by the Fanaticks, against the Lives of his Majesty and his Royal Highness.

(This list refers to the memorable Rye-house Plot.)

For an account of the memorable Rye-house Plot the reader is referred to the history of the time. That an insurrection was in agitation cannot be doubted, although the whig writers have doubted whether it had ripened into such overt acts as amounted, on the part of the conspirators, to high treason. Thus much is certain, that their plans were rashly agitated and prematurely discovered, and that the discovery gave the crown an opportunity, that Charles had long watched for, to crush effectually the popular party during the rest of his reign.

Arthur Earl of Essex, cut his throat in the Tower.
William Lord Russell, beheaded in Lincolns-Inn Fields.
Captain Thomas Walcot, John Rouse, William Hare Joine, executed at Tyburn.
Captain William Blagg, tried and acquitted.

In Custody at Whitehall.

Lord Howard of Escrick.
Colonel John Rumsey.

In the Custody of Messengers.

Josiah Keeling, the first discoverer.
Zachariah Bourn.
Sir Hugh Cambel.
Mr Hoskins.
Mr Francis Lascoe.
Mr Pascal.

Sir George Cambel.
Mr Leigh.
Mr Lee, dyer.
Mr Andrew Barber.
Mr Hugh Westlack.
Mr Hugh Speke.
Mr Grange, brewer.

In the Tower.

Brandon Lord Gerrard.
Algernon Sidney, esq.
Mr Hambden.
Major Wildman.
Francis Charlton, esq.
Mr Trenchard.
Mr Booth.
Major Bremon.
Mr Aaron Smith.
Henry Dearman, who let the Lord Gray escape.

In the Gate-house.

Mr Abraham Holmes.
Mr Pincol, a Scotch minister, and 6 Scotch pedlars.
John Gibbons, the Duke of Monmouth's footman.
Mr Robert Baylay.
Mr Samuel Johnson, author of Julian the Apostate, bailed.
Mr William Casteers, a Scotch preacher.

In the Marshalsea.

Mr Monroe.
Major Hume.
Mr Robert West.
Mr Butler, alias Spence.
Mr Francis Frank.
Mr Edward Cole, brewer.
Mr James Wood.
Mr John Nisbet.
Mr John Armiger.
Mr Bateman, Shaftsbury's surgeon.
Mr Robert Lock, master of the ship which carried the Lord Gray.
Mr Noice, draper.

The Names of those mentioned in his Majesty's Proclamations, together with those which are fled from Justice.

The Names of those that are fled from Justice.

Duke of Monmouth.
Ford Lord Gray.
Sir Thomas Armstrong.
Edward Norton, esq.
Richard Nelthrop, esq.
James Stiles, esq.
Mr Robert Ferguson.
Mr Richard Rumbold, maltster.
Mr William Rumbold.
Mr Richard Goodenough.
Mr Francis Goodenough.
Mr James Burton, cheesemonger.
Mr Nathaniel Wade.
Mr William Thompson.
Mr James Holloway, merchant.
Mr Joseph Elby.
Mr Samuel Gibbs.
Mr Joseph Tyley.
Mr John Ayloff.
Mr John Atherton, glazier.
Mr Stephen Lobb, preacher.
Mr John Row, late sword-bearer of Bristol.

Five Hundred Pounds Reward for apprehending

The Duke of Monmouth.
Ford Lord Gray.
Sir Thomas Armstrong.
Mr Robert Ferguson.

One Hundred Pounds for apprehending

Richard Nelthorp, esq.
Mr Richard Goodenough.
Mr Richard Rumbold.
Mr William Thompson.
Mr Nathaniel Wade.
Mr James Burton.

The Names of those that are under Bail.

Lord Lovelace.
Sir Henry Ingoldsby.
Mr Matthew Mead, alias Richardson.
Mr Lands, barber.
Mr William West, shoemaker.
Sir John Borlace, acquitted.
Mr Shepherd, merchant.
Mr Freake.
Mr Thomas Green, innkeeper.
Mr Hunt, apothecary.
Mr Shepherd, the Earl of Shaftsbury's servant.
Mr Isaac Butler.

The Names of those who are the Discoverers.

Mr Josiah Keeling.
Colonel John Rumsey.
Mr Thomas Shepherd.
Lord Howard of Escrick.
Mr Robert West.
Mr Lee, dyer.

The Names of the Conspirators who were indicted July 12th, with the Number of Witnesses against each particular Person, viz.

Duke of Monmouth.	2	Edward Norton, esq.	3
Ford Lord Gray.	2	James Stiles, esq.	3
Sir Thomas Armstrong.	2	Mr Robert Ferguson.	3
Richard Nelthrop, esq.	3	Mr James Holloway.	3
Mr Richard Rumbold.	4	Mr James Burton, cheesemonger.	2
Mr Richard Goodenough.	4	Mr William Thompson.	2
Mr Francis Goodenough.	4	Mr Nathaniel Wade.	3

The Names of the Grand-Jury for the County of Middlesex, who, without going from the Bar, found the Bill of Indictment against the Earl of Danby, upon the single Testimony of Edward Fitz-Harris, in open Court, then a Prisoner at the Bar, and arraigned, afterwards executed for High-Treason.

Sir William Roberts of Wilsdon, baronet.
Sir William Cowper, baronet.
Joseph Ratcliffe, gent.
Crisp Grange, gent.

Henry Herbert, esq.
Edward Boscawen, esq.
Thomas Barnardiston, esq.
Thomas Henslow, esq.
Walter Moyle, esq.
Josias Clarke, esq.
Thomas Austen, esq.
Thomas Marsh, esq.
William Bourne, esq.
Edward Hutchins, gent.
Henry Gerrard, gent.
Robert Breedon, gent.
George Page, gent.
John Harwood, gent.
John Raymond, gent.
Christopher Dodsworth, gent.
Henry Dealing, gent.
Edward Watts, gent.
Augustine Beare, gent.

The Names of the Grand Jury for Edward Fitz-Harris.

Mr Michael Godfrey of Edmonton.
Mr John Hill of Enfield.
William Hundow of Enfield, gent.
Thomas Curtis of the same, gent.
Elizeus Wyberd of the same, gent.
John Read of Tottenham, gent.
Jeremiah Benton of the same, gent.
John Young of the same, gent.
Edward Johnson of South-Mims, gent.
John Page of Pinner, gent.
John Blott of Hendon, gent.
Francis Peters of Great Stanmore.
John Greenhil of Harrow on the Hill.
John Newman of the same, gent.
Thomas Rance of the same, gent.
John Bird of the same, gent.
John Taylor of the same, gent.
James Marsh of Hendon, gent.
John Todd of Pinner, gent.

The Names of the Petty-Jury for Edward Fitzharris.

Thomas Johnson of Mile-end, esq.
Lucy Knightly of Hackney, gent.
Edward Wilford, junior, of Enfield, gent.
Alexander Hosea, of Hackney, gent.
Martin James of Wapping, gent.
John Vyner of Whitechappel, gent.
William Withers of Cripplegate.
William Cleive of the same, [*honest*]
Thomas Goffe of Stepney.
Ralph Far of the same.
Samuel Freebody of St John-street
John Lockyer of Westminster.

The Names of the Grand-Jury for Stephen Colledge the Joiner.

John Wilmore, leather-seller.
William Mackley, strong-water-man.
Samson Puller, taylor.
Thomas Cope, upholsterer.
Peter Mortimer, confectioner.
John Wood, brazier.
Thomas Haynes, carpenter.
Thomas Fox, apothecary.
John Read, millener.
Mark Stretton, apothecary.
Edward Powel, bookseller.
Paul Dorrel, servant to the Countess of Exeter, no free-man.
Francis Lascoe, druggist.
John Armiger, shoemaker.
Samuel Totton, mercer.
John Pettit, woollen-draper.
Samuel Maine, linen-draper.
Caleb Hooke, merchant.
Robert Davies, apothecary.

The Names of the Grand-Jury for John Rouse.

James Denew.
John Elwick.
Samuel Crisp.
Humphrey Rogers.
Peter Essington.
John Newton.

Thomas Shaw.
Richard Tilden.
William Carbonel.
Josias Smith.
Joseph Jackson.
John Shovel.
John Loggins.
Edmond Shermon.
John Hammond.
Joseph Web.
Isaac Delillers.
Samuel Round.
Henry Weade.

The Names of the Grand-Jury for the Earl of Shaftsbury.

Sir Samuel Barnardiston.
John Morden.
Thomas Papillion.
John Dubois.
Charles Hearle.
Edward Rudge.
Humphrey Edwin.
John Morrice.
Edmond Harrison.
Joseph Wright.
John Cox.
Thomas Parker.
Leonard Robinson.
Thomas Shepherd, merch. now a discoverer.
John Flavel.
Michael Godfrey.
Joseph Richardson.
William Empson.
Andrew Kendrick.
John Lane.
John Hall.

The Presentment of the Grand-Jury at the Assizes held at Northampton, July 17th, 1683.

We, the Grand-jury, sworn to inquire for the body of the county of Northampton, at the assizes held at Northampton for the said county, &c. have, with great horror and detestation, received an account of the most impious and bloody conspiracy against the person of his most sacred majesty and his royal brother, which (thanks be to God) he by his providential care has prevented, and brought to light their hellish purposes; and, not knowing how far their wicked designs may proceed, we held it our duty, in this juncture of affairs, to present, that we have strong apprehensions of great danger from a disaffected party in this county, who did openly shew their principles, by presenting a seditious address to Miles Fleetwood and John Parkhurst, Esquires, at the last election of knights of the shire, tending to the alteration of the succession of the crown, and an intended association in it to that purpose, with an assurance that they would stand by them with their lives and fortunes, without any regard or notice taken of the king's authority, or their allegiance or duty towards their sovereign. And having observed, that since that time they have had and held several meetings, clubs and cabals, which we cannot but think was to carry on the said purposes, and other dangerous designs against the government; and their discourses being notoriously bold, and their party generally furnished with a proportion of arms, rather for some dangerous designs, than for the use of private persons, which upon search could not be found, but were hid and concealed: We therefore present it very expedient and necessary, for securing the peace of this county, that all ill-affected persons may give security for the peace, and particularly

Ralph Montague, esq.
Sir William Langham,
William Harbord,
John Thornton,
Nicholas Butler,
Henry Rushton,
Edward Knighton,
Barth. Manning,
William Welden,
Gerrard Gore,
William Stratford,
John Bridges,
Samuel Ekins,
Francis Morgan,
Thomas Catesby,
Sir Thomas Samwell,
Sir Samuel Clarke,
Thomas Whithorne,

Miles Fleetwood,
Charles Fleetwood,
John Parkhurst,
Edward Stratford,
Edward Hopkins,
Robert Haslerig,
Francis Arundel,
Francis Grans,
Sir William Craven,
Salathiel Lovel,
John Coombs,
Thomas Colthurst,
Thomas Freeman,
John Allen,
Arthur Brooks,
Henry Hind,
Luke Aburn,
Francis St John of Longthrop,
Matthew Orliber,
Fane Denny,
Robert Mansel,
Jo. Craddock,
John Lee,
William Tate,
Thomas Andrews,
Tobias Chancy,
William Wilmore,
Captain Ashby of Bugbrook,
Edward Pierce, rector of Cottesbrook,
John Selby,
John Lucas,
Robert Ivory,
William Lisle.

To which Presentment as abovesaid, we the said Grand-Jury have subscribed our Names as follow, viz.

John Egerton, baronet,
Lewis Palmer, baronet,
Goddard Pemberton,
Thomas Elmes,
John Needham,
Henry Benson,
Moses Bathurst, esq.
Nicholas Steward, esq.
Harvey Eakins, esq.
William Randolph, gent.
Richard Plowman, gent.
Richard Wicks, gent.
Edward Ladkin, gent.
William Bateman, gent.
Anthony Gibbs, gent.
Thomas Woodward, gent.
William Cutbert, gent.

The Magistracy and Government of England vindicated: or, a Justification of the English Method of Proceedings against Criminals, by Way of Answer to the Defence of the late Lord Russel's Innocence, &c. By Sir Bartholomew Shower.

These observations refer to the most famous case of constructive treason ever tried, that, namely, of Lord William Russel. The only point of the Rye-house conspiracy, which was fixed upon him by two concurring witnesses, was his presence at the consultations held for seizing and disarming the guards, which it was strongly argued did not come under the legal definition of treason, not being in direct terms a compassing the death of the king.

" On this subject Lord Delamere enlarges as follows: ' If a conspiracy to levy war were treason of itself, or an overt act of imagining the king's death, yet my Lord Russel was not guilty of high-treason within the statute of 25 Edw. III., because the overt act assigned against him was his being of a council of six, to manage an insurrection, and in order to it to seize the guards: for had he actually seized the guards, yet it could not be treason within the statute 25 Edw. III.

" First, Because the guards are not settled by act of parliament, and consequently they are not a legal force.

" Secondly, It could not be treason within the statute 25 Edw. III., because at the time of making that statute there was no such thing as the guards.

" Thirdly, If the guards were established by act of parliament, yet if they were so established since the 25th of Edw III., my Lord Russel was not within that statute, because it provided for nothing but what was lawfully in being at the time when it was made."—RALPH's *Hist.* I. 750.

Immediately after the Revolution, those lawyers whom fear had formerly kept silent, were in arms to impugn the justice of Lord Russel's attainder. Sir Bartholomew Shower, who seems to have been a staunch jacobite, wrote the following treatise in answer to one of these pamphlets, but to which the editor has been unable to discover.

IN the present age, when the variety and multiplicity of new prints is such, that the money and time required for their purchase and perusal is more than an ordinary gentleman can reasonably allow, it may deservedly be thought a nuisance to the publick to have their numbers increased, especially since the complaint of the ingenious author of the Trimmers Character, that for this very cause he could almost have wished himself unable to read; but yet the support of magistracy and government is a noble theme, so useful to the publick, and so generally agreeable to the humour of mankind, that the meer subject will (I presume) be an excuse for this publication, if any thing can be so.

At this time of day none would have thought that a necessity should happen of writing upon such a topick, when every English protestant was entertaining himself with the pleasing prospect of impartial, due, and indifferent administrations, when authority was becoming amiable and easie to the people, when the people were inclining to a zeal and affection for the honour of magistrates; in short, when the law was recovering its clouded credit: In this conjuncture none expected to see all the pillars and posts in the town dawbed with plentiful title pages (like so many histriomastrix's of Will. Prynn's,) directing their spectators to books of obloquy and reproach, not only on the persons and opinions, but the authority of judges; when neither of the three are corrigible, or so much as censurable any otherwise than in and by a parliament; much less was it expected, that gentlemen of the long robe would appear in print for to ridicule their own profession, and expose our law even to the scorn of foreigners. It would not have been so very strange to have seen a doctor of the commons exercising his wit and raillery on the common law proceedings, when he saw his dearest Diana, I mean, his excommunication process, in danger of becoming useless, and a fair occasion given him for such an essay, from the disgust of the people against Westminster-Hall.

But none imagined that satyrs and invectives upon past proceedings should be writ by lawyers, who expect a further benefit from their profession, by the grace and favour of it in the government, which, if they happen to acquire, according to their expectations, I would only remember them, that mocking is catching, says the proverb. There was once upon a time a certain master of arts, who, whilst at Cambridge, did ridicule and expose the clergy of the English church, by writing the pretended causes of their contempt; but the Templers said, that he, whilst at London, did give an occasion for a third part to the same tune, or at least, a new edition of the book, with additions by the author himself, even of his own dull——as proper for the like use. In petty corporations, they who have most complained of others hardships have frequently outdone their predecessors, when once got into their places. A whining complaining servant doth often prove a peevish imperious master; and I am sure, in the inns of court, the most noisy, troublesome, and mutinous students and barristers make the stiffest and most magisterial benchers. I make no application, but I leave the reader

to do what he pleaseth. Better things are to be hoped of all concerned in publick government.

Since the press seems open, and lawyers books are published without a license, another may assume the same liberty with equal authority, and with more reason, when his province is only to correct the misrepresentations of things, actions, and persons, tho' made by authors of age, experience, figure, and learning, (I will not say candour or honesty) especially since they are private men, and having vented their own thoughts in print, they remain no longer theirs, but are equally exposed to the censure or applause of every reader. Besides, 'tis generally presumed, that an author expects a publick animadversion, or otherwise he would never have become such. He presumes his arguments irrefragable, and then an answer does him no mischief; and if they are otherwise he deserves it. And surely he stands as liable to be corrected by others as others were to be censured by him. And it is more warrantable certainly to write and print for the vindication of former proceedings, than it can be either candid or genteel to arraign or expose them; especially since to do so is, and must needs be, mischievous to past, present, and future governments, as experience will unquestionably teach us; but the other is, and will be of service to future administrations, by maintaining the reputation and credit of judiciary proceedings.

It is well known, that the Lord Russel, being so unfortunate as to fall under the accusation of treason, was the most pitied of any under those circumstances, by all who knew either his family or personal character; great expectations were then had of the issue of that trial; the event gave great occasion for discourse afterwards, and almost ever since; the printing of his last speech, with the several answers to it, did much augment the talk. It cannot but be remembered how various and different the sentiments of most were upon that subject; the debates concerning it generally concluded in a pity to his person and relations, as a great misfortune upon both, and, in truth, upon the nation, that a gentleman of such qualifications should be guilty of so much inadvertency, (to say no worse) as to engage so frequently in such consults as he unhappily did. Some blamed the jury, most censured the witnesses, but very few arraigned either council or court: And, in truth, the fairness and indifferency of that trial was such, that his own relations were pleased, and his enemies angry, with those that then sat upon the bench, and thus it continued till the present revolution.

Then the memory of that unfortunate gentleman was revived by the publication of a defence of his innocency; the name subscribed to the title-page is so great, that I should be afraid to proceed, but that I am resolved not to be known; and therefore if any thing falls from my pen indecent or disrespectful, he must excuse it as a privilege claimed by authors, especially of books that have no name to them.

To begin at the end; for what purpose was that pamphlet printed?

It could not be for the good of the nation, as a means for consumption of paper; for, as I have been told, that's a French commodity.

It could not be for the bookseller's profit only, for a reason to be guessed at.

It could not be for the sake of that lord's memory, or any of his surviving relatives; for no man will think it a service to them for to renew the thoughts of that unhappy accident in so noble and ancient and worthy a family. In truth, the whole treatise is nothing but a painting to the life the too deep concern of that branch of it, in a weak as well as criminal enterprize; for what else doth signify the expression, pag. 4, that being present at a consult of traitors a second time, or oftner, arises a strong suspicion that the party who does so likes it, consents to it, and approves it, or else he would have forborn after his having been once amongst them. And many other such expressions there are with the like reflections, as page 7, that Rumsey and Sheppard, the two first witnesses, &c. raise a strong suspicion upon my lord, and make it probable that he was guilty; and in the same page the author seems to agree him guilty of mis-

prision. And page 17, he republishes the evidence of Rumsey, that there was a consent, and this the author agrees to be high-treason; but he then endeavours to invalidate the credibility of that evidence, by shewing the wildness of his own memory. Now how this could serve the reputation of the deceased, or cure the resentment of his relations upon that account, I confess myself utterly unable to imagine. Nor can any reader suppose the title verified by the book, *viz.* A Defence of Innocence, when there's not one word to be read of it but in the frontispiece. Surely there's no thanks due to the author from that family, no more than was an extraordinary fee due to that lawyer who pleaded for a defendant to this effect: "My client, I must confess, is a wag, but not so great a wag as the council of the other side would represent him; their proof is very strong, but not so strong as they would boast it to be; our defence is but dark and weak, but not so weak as they would argue it." So that the book could not be writ for a service to that family, unless a concession of guilt can be called a vindication of innocence.

It could not be for the sake of the government, for it can never be deemed a politic service to rake into old sores, when lenifying and moderate methods are more adviseable; and if every thing should be republished which hath given disgust to the people, few would escape the lash, the righteous themselves would scarcely be saved, for abundance of them have tript either in their public or private conversation, and some in both, and that notoriously too: I name nobody. Besides the government must of necessity never allow the doctrines divulged in this pamphlet, unless 'tis intended that its being and continuance shall be as precarious as a *bene placito* judgeship, and as dependant upon the people's humour as that is upon the king's: nor can any government countenance and encourage the arraignment of a considerable number of wealthy worthy citizens, with the printed censure and insinuation of their being a parcel of corrupt, ignorant, injudicious, dishonest, and partial fellows; and this is done to the full, when said, that the contrary would have sworn to a not guilty, or at leastwise they would if the author had been there. But most of his readers are of another opinion, notwithstanding the second letter, page 7.

It could not be for the sake of popular applause; for it's thought that the treatise will never deserve or procure it, especially if you take it in pieces, and consider them a-part, and with sober reflections. So that no man can tell what it was writ for.

When the title of the book and name of the author was first published, mankind was full with a pregnant expectation of some rare, abstruse, uncommon learning upon the point of treasons, with which the world was before unacquainted. No man looked for a preachment concerning the body and blood of our Saviour, the world to come, and the guards of heaven, as topics proper for an animadversion upon that trial, especially from such an author. But there's nothing strange under the sun!

The preface is an encomium upon the author himself, declaratory of his readiness for publick services, and seems to be calculated for a cooler, or a defence against the heats and rigours of an harsh and oppressive government, for an help to such as may possibly hereafter fall into the like danger and trouble; and to teach the people the fear and jealousy of a possibility of such occurrences again, can never be thought a public service. As to part of the preface, it is so dark that a slender understanding can never reach the sense of it; I mean that long paragraph, "The copies of," &c.

The first letter begins with a seeming shew of a bold resolution in the author to perform the duty of a friendly council, maugre all the inconveniences that might happen to himself thereby; but it concludes with an extraordinary caution and care to prevent all danger, even to such a degree as much diminishes the credit of that invincible and heroic resolution at first boasted of. And if his courage had been so strong, why were not these letters published formerly, and in times when, in the author's judgment, there was more occasion for their use than the present can possibly afford? But rather, it

may be again asked, why are they printed at all, the observations contained in them having been printed not above 500 times already, and perhaps with as much advantage? Was it a secret to the world, that a variance between the indictment and the evidence might be alledged on the general issue? Did no man in town know that treason and the misprision of it are different crimes? Is the distinction between them such a new invention, and so very useful as to be an equivalent for the want of council in capital trials, as the preface and letter do insinuate if they do any thing? Whoever doubted but that proofs of treason must not be by hearsay or argument only? Was it ever a question, for these hundred years, but every indictment of treason must contain an overt-act? Or that less than two witnesses was allowable for proof of that crime? Or did any man ever scruple but that Keble's Statute-Book contains a true copy of the 13 Car. II. cap. 1. which requires witnesses credible? Now if these questions must be answered in the negative, how can the advice of these letters be assistant to a better defence than was known long since?

The book itself begins with stories of transubstantiation of bodies and transmigration of souls, as much to the purpose as the parson's text was to his doctrine, who preached upon the certainty of a day of judgment from that verse in Genesis, "And Adam knew Eve, and she conceived," &c. But perhaps the author intended all that first page for a flourish, and to entice his reader into a patient perusal of what follows, and prejudice him against the sheet he pretends to answer. He is very frank in styling it a libellous pamphlet, and the author some rank bigotted papist; but to what purpose no man can divine, unless it were to expose him to the rage of the *mobile;* but his name was never posted, and so he is safe from that danger.

The assertions are two; that there was neither charge nor proof that the indictment and evidence were both insufficient.

I must confess, that it would be a mighty addition to the liberty of the subject to have the law established, and declared to be what the late judge doth argue it is; for then there would be a freedom for malecontents to endeavour their own satisfaction by conspiracies and consults, and that with impunity: but as the law was, and always hath been taken to be, an English subject hath very little colour for his pretence to such a privilege as that doctrine gives.

The indictment is, "That at such a place and time he did compass and imagine, not only to deprive the king of his government and royal state, but to kill and put him to death, and to procure a miserable slaughter amongst the king's subjects, and to subvert the government of England, and to raise a rebellion against the king." Then follows, "That to fulfil and perfect these treasons and traiterous imaginations, he, together with other traitors, did then, and there, with them, traiterously consult, conspire, conclude, and agree to raise a rebellion, and to seize and destroy the guards of the king's person, *contra*," &c. Now, whether these last acts be not a natural and genuine evidence of the former let any rational man judge. But I will particularly prove, that this indictment was sufficient to warrant the judgment which the court gave and pronounced upon a verdict, that the accused was guilty of that fact in the indictment, and then answer the objection started against it.

First, there's a sufficient treason alledged; and, secondly, here's a sufficient overt-act; both these I'll agree are necessary, and, if either were wanting, the indictment was naught. Now it must be agreed to me, that the first is clear and plain, for, by the law, to compass or imagine the death of the king, queen, or their eldest son, is high treason. It is true, by the same law some open act, of which human justice can take a conusance, is requisite to be proved; the very words of the statute do expressly require it; and, in truth, it is no more than what must have been had no such words been used, for thoughts are secret, and can never be arraigned, proved, or censured any otherwise than as they are discovered by some overt-act; so that the clause, requiring an appear-

ance of the compassing the imagining by some overt-act or open deed, is no more than would have been impliedly requisite had the clause been omitted. 'Tis the imagination and compassing which is the treason, that alone is the *crimen lesæ majestatis*, which is prohibited and condemned; the overt-act is not the treason, that's only a necessary circumstance, without which no court can ever take conusance of the other. And it is necessary to alledge some such deed, *à necessitate rei*, without respect to the words of that statute. I insist the longer upon this because it is used as an objection, that the clause of *proveably attaint by*, &c. is restrictive, whereas it is not so: for it is only to make that first specified treason of imagination and compassing to be a thing intelligible and triable; and further to prove this, it is considerable that this requisite of the overt-act is of use and necessity barely, and only in the case of that which is first mentioned, viz. *compassing*, for the other sorts of treason are acts themselves, whereof notice may be had, as levying war, violating the queen's bed, and the like; and in an indictment you need only alledge the facts themselves, as that there was a war levied, there was a carnal knowledge had, and the like. And this further appears from the very form of indictments used ever since that statute; for there never was an indictment (and if there were it could never be good) barely averring an overt-act without an express allegation of the compassing.

Then the matter results solely into this question, Whether the fact here be laid naturally and necessarily declaratory of the parties imagination to destroy the king, for if so, the indictment is undoubtedly good; and it can never be called a constructive treason, or a thing devised by the judges interpretation of the statute, for they adjudge no more treason than what the statute declares, and that is an imagination of the king's death; now whatsoever is significative of a man's intention or imagination is a sufficient overt-deed to demonstrate that that man had such intention or imagination; and whatsoever is expressive or significative of a man's intending, compassing, or imagining of the king's death, is a sufficient overt-act to prove and make such a man a traytor within this law. Now that a consult about, and an agreement and conclusion actually to seize the king's guards, and raise a rebellion, are a natural and genuine declaration that the person who did so consult, agree, and conclude, did compass and imagine the death of the king, is surely plain enough; for a rebellion, if successful, can determine in nothing else but the king's death, either natural or civil, which is all one within this law; now he that designs and intends the necessary means naturally conducing to a particular end, that man may certainly be said to intend and design that end. *Causa causæ est causa causati.* If the deed tend and conduce to the execution of the treason, that's a sufficient overt-act, says Coke, 3d Inst. 12; and in the same book, fol. 6, he hath these words, "That he who declared by overt-act to depose the king, is a sufficient overt-act to prove that he compasseth and imagineth the death of the king;" and so it is to imprison the king, to get him into his power; and to manifest the same by some overt-act, this is also a sufficient overt-act for the intent aforesaid.

In 3d Inst. p. 12. 'tis held, that a preparation by some overt-act to depose the king, or take the king by force and strong hand, or to imprison him till he hath yielded to certain demands, this is a sufficient overt-act to prove the compassing and imagination of the king's death; for that this, upon the matter, is to make the king a subject, and to despoil him of his regal office; and so he says it was resolved by all the judges of England, Hill. 1. Jac. 1. in the case of the Lord Cobham, Lord Gray, Watson and Clark, seminary priests: and so he tells us, in the same place, that it had been resolved by the justices, in the case of the Earls of E. and S. Now, if we consider the reason why these are overt-acts of treason, it will appear to be only because of their natural tendency to the accomplishment of that particular treason of compassing, which holds the same in the author's case, as well as in those there mentioned.

A conspiracy with a foreign prince is agreed by my Lord Coke, *ib.* 14, to be treason, if it be to invade the realm; and an overt-act of such practice to be a sufficient overt-act of a compassing the king's death; and the reason is, because such actions cannot be thought to be intended for any other purpose: And yet that particular act may be accomplished, and it may so happen as that the king's death may not follow, and yet they are overt-acts of that treasonable imagination, because of their conduciveness and tendency thereto. The case of Cardinal Poole was, writing a book of the pope's supremacy, in which were contained incitements of Charles the emperor to an invasion of this realm; and that was held an overt-act imagining the king's death. In the Lord Cobham's and Sir Walter Rawleigh's case, a conspiracy, consult, and agreement to promote an insurrection and procure an invasion, was held an overt-act, 1 Jac. I. and their meeting, consulting, and agreeing, was laid as an overt-act, though discovered before the thing took effect. Dr Story's case, which is mentioned by the Lords Dyer and Coke, was no more than a practice and persuasion to promote an insurrection and invasion; and the overt act that was alledged, was the writing of letters for that purpose, which is no more influential towards it, nor so much, as frequently meeting, consulting, and conspiring, and at last concluding and agreeing to make an insurrection. The case of Mr Coleman was no other; for whatsoever the indictment laid, the evidence was only of letters to the like effect (as to this point) with those of Dr Story; and that case of Dr Story was before the 13. Eliz, which made a new treason during her life; for the trial was in Hillary term, and the parliament did not begin till April following. A machination, or agreement to raise a rebellion, naturally tends to the destruction both of king and people, and an advice to it hath been adjudged so; as in the reign of Hen. IV. one Balshal, going from London, found one Bernard at Plow, in the parish of Ofley, in the county of Hertford: Balshal told him that King Ric. II. was alive in Scotland, (which was false, for he was then dead,) and advised him to get men, and go to King Richard: In Mich. 3. Hen. IV. rot. 4. you will find this adjudged treason. Throgmorton's case is as plain, for his was only a conspiracy to levy war within this realm; he did not join in the execution, and the conspiracy alone was declared to be a sufficient overt-act by the judges: 'Tis no answer to it to say that a war was afterwards levied, for *quoad* him 'twas a bare consult; his offence was no more than that. In Sir Henry Vane's case, meeting and consulting were alledged and held to be overt-acts. The case of Constable, mentioned in Calvin's case, was only an act tending to deposing the queen, as dispersing bills in the night, that Edw. VI. was alive and in France; and held an overt-act declarative of his compassing her death, and he was executed for it: And in the report of Calvin's case you have several other cases mentioned, where endeavours to withdraw subjects from their allegiance have been adjudged overt-acts of this species of treason, the compassing, &c.

The word compass in the statute is of a larger extent than only to mean an actual assault on the king's person, and an endeavour to cut his throat; it most certainly implies any consult or practice of another thing directly which may produce that effect, as the dissuading people from their fidelity. Such was Owen's case in King Jac. I. his time, in the thirteenth year of that reign: his advice was to this effect, That King James, being excommunicated by the pope, might be killed by any man, and that so to do was no murder; for, being convicted by the pope's sentence, he might be slaughtered without a fault, as an executioner hangs a criminal condemned by law; and for this he was hanged as a traitor. He that denies the title to the crown, and endeavours to set it upon another's head, may do this without a direct and immediate desiring the death of him that wears it; (so Saint John, in his argument against the Earl of Strafford;) and yet this is treason, as was adjudged in the case of Burton, and in the Duke of Norfolk's case, 13. Eliz. This denying of the title with motives, though but impliedly of action against it, hath been adjudged an overt act of compassing the king's death, as it was in John Sparhawke's case, Pasch. 3 Hen. IV. rot. 12. The like

was the case of John Awater, who was indicted for a treason of that nature in Kent, and the indictment removed into B. R. Trin. 18 Edw. IV. see rot. 17, and he was thereupon afterwards out-lawed as a traitor; and so was Thomas Heber at the same time; and words significative of an actual intention have been held so, as are the opinions in Yelver. 107, 197, Arthur Crohagan's case, Cro. Car. 332, and abundance of others might be named as they are reported in our law books; but I do not particularly mention them, for that their authority in some of them is very slender, and may be ill used to the straining of rash and unadvised words into a signification of a man's compassing, when perhaps the man never thought as he spoke: However, all of them do evince that advised and deliberate preparations, moving to a danger to the king's person, have all along been held overt-acts of a compassing his death; and some of them prove, that preparatives and motives to the levying of a war have been held treason: as was Sir William Ashton, of Suffolk, 31 Hen. VI. mentioned in Cro. Car. 119, for making ballads reflecting upon the king, and writing letters to the men of Kent, exciting them to rise to aid the then Duke of York, &c. *ad guerram levandam;* and no mention of any war actually levied. Germain and Taylor's indictment hath very little more in it mentioned than the like preparations and incitements to a rebellion; and yet the treason there laid was a compassing of the king's death, anno. 2 Edw. IV. The case of Thomas Burdett, in 17 Edward IV. as at large appears in the same report of Cro. Car. amounts to no more than the indictment in question, viz. That he compassed the king's death; and, to accomplish that intention, he did disperse divers writings, &c. *ad intentionem,* that the people should rise and levy war, &c. The judgment, in that case, drawing, hanging, and quartering. The like is Collingbourn's case, 2 Ric. III. in the same rep. 122, where he is indicted, in like manner, for exciting and moving the people to an insurrection and war, and he incurred the like judgment; which cases are infinitely short of this in question: And it cannot but be wondered, that any man who has read them, should question whether a consulting and conspiring about rising, and an actual agreement and determination to rise, be an overt-act of compassing the king's death. In the very trial of the Lord Strafford, it is affirmed by Sir William Jones, (who was certainly of great authority with the author,) that the meeting and consulting together is an overt-act, though the thing agreed on be never put in execution; and 'tis there resolved by the judges, that the same treason may be proved by two witnesses to several overt-acts, though one speak of words or actions that were spoken or done at one time and place, and another speak of words or actions at another time and place; which argues that words, much more a consult and agreement, may make an overt-act. Even in the case of Stephen Colledge, in which, though the trial hath been censured, yet the indictment never was, and in that indictment the treason is laid as in this case, That he traiterously imagined and compassed the king to depose, kill, and destroy; the overt-acts are, that he armed himself, and advised others to arm, and spoke several words. &c. Here was no war levied, only a preparation, and yet that was allowed an overt-act: And as for the words, if they are allowed to be one, with much more reason may meeting, consulting, concluding, and agreeing to do.

As to the objections, surely there is no weight in the first, which is page 10, that criticises upon the word *fait* act, and that 'tis only a meeting to agree, and an agreement to do, but 'twas not done. Suppose they had concluded and agreed to poison or stab, &c. according to the opinion in that page, this was no treason; for 'tis only agreeing and concluding upon a thing to be done, but it is not done. He doth, in page 13, argue, that this can never be an overt-act of compassing the king's death, because levying war is a distinct species of treason, and a conspiring to levy war is not a levying war; and even levying war itself cannot be assigned as an overt-act of compassing, unless the indictment were particularly for that. But surely another sort of act, that savours of another species of treason, if it naturally conduce to the accomplishing of

the first species, viz. that of compassing, it may be assigned as an overt-act of it; and Sir Henry Vane's case is quite otherwise, and there a levying war was the overt act alledged of the compassing, and allowed by all the judges; and all the indictments in the west, upon Monmouth's rebellion, were so, and yet drawn by very good advice; besides, what answer can be given to the cases which I have cited, where consults, conspiracies, practices, advices, letters, persuasions, and other motives and preparatives to an insurrection, have been held overt-acts of an imagination of the king's death, though no war was levied, though no insurrection was had.

It is apparent from what was said before, that to take the king prisoner, or to seize his person, is a compassing of his death; and if so, then to sit in council to conspire the effecting of that, is an overt-act of a compassing the king's death; and this case amounts to, that here was a consultation to seize upon the king's guards, which could tend to nothing but the seizing of his person, and then the consequence is plain. The author says, page 14, if it had been but alledged in the indictment, that, in pursuance of the consult and agreement, there had been a view of the guards, and a report made that the thing was feasible, this would have been more to the purpose, how much more no man can tell, for every objection in the book would have been as good against that as against this. The great objection he seems to rely on is, that the law takes no notice of them; for once I will suppose that it doth not, and then let us observe if any argument can be drawn from thence. Perhaps the thing was not used or known when the 25th Edw. III. was made. Can nothing be treason if the plot laid to accomplish it be concerning a thing not *in esse* at the time of the statute? Certainly it may. If several malecontents should consult, and agree, and prepare, (in order to an insurrection) to seize the Tower, Portsmouth, Hull, and Plymouth fort, would not this be an overt-act of treason? and yet our law takes no notice of any garrisons there, or any where else; they have no relations to the militia, nor were there any arms in those places in Edward the Third's time that we read of in our law books; if this be otherwise, why did not the author find fault with Rouse's indictment, which was tried much at the same time with this in question? Suppose all the gentlemen-pensioners, grooms of the stole, gentlemen of the bed-chamber, and the like, killed in the night, and the doors in Whitehall broken up, and all the swords, musquets, and pistols there, taken away, and yet it happened that the king's person was left untouched, would this be an act of burglary and murder only? We have no law books that take notice of arms at Whitehall, or such names as those servants go by; and suppose, at the same time, upon the consult, that the conspirators did move, discourse, debate, and conclude of an insurrection, would it not then be treason? If not, nothing can be so, unless the king's person be murdered or seized, and the statute should not have said compass or imagine, but seize or kill, &c. It suffices then, that the guards are in common understanding known to be used and employed for the attendance upon and preservation of his person. If common sense and reason be judge, no man can think but that he who intended to move an insurrection and seize the guards, had a further design upon the king's person, and then it is treason; if otherwise, a king of England is in a worse condition than the worst and meanest of his subjects; for a king must not, cannot, in or by our law, assault, strike, seize, attack or imprison, in person, and consequently cannot defend himself; and shall not his servants, guards, and attendants, (which are all of the same nature) wear a sword, or carry a musquet before him? If they do so, is it not then known that they do it? if it be commonly known to be so, doth not he that seizes and destroys those attendants endanger the king's person? And if that be so, the inference is easy. It can never be, it will never be allowed for law, that a seizing all the king's guards is only a breach of the peace, unless we renounce the law, and will judge more by inclinations and partiships than by reason and precedents. As to the distinction between an actual seizing them, and a consult and agreement to seize

them, what I have urged before overthrows it; and what the author says doth not maintain it, for both have a tendency to the execution of the treason intended.

I will not take the pains to remark upon all the inconsistencies of the concessions and denials in the book; they are obvious to the readers. As to his quarrel with the king's guards, as an illegal thing and terrible to the people, somewhat of the French growth, I hope the king will always preserve them for his own personal preservation, notwithstanding the author's opinion. As to his temporary laws, which declare words treason, most part of them were affirmative of the old law, and were made only in compliment to a new crowned head, when they prohibited nothing but what was before so: and for the rest, no conclusion could be made from them for the maintenance of his assertions, if he had repeated them, which, since he does not, nor will I.

As to the cases cited by the author of the Antidote, (which I have mentioned,) he agrees to Constable's case, but does not distinguish it in its reason from that in dispute. He denies the authority and law of Dr Story's case, which nobody ever denied before him. He says, that in Lord Cobham's case there were people assembled; but gives not any answer to what the Antidote affirmed, viz. That the overt-act taken notice of in the little book, called The Pleas of the Crown, was only the conspiring to make an insurrection. He doth confess, that in the Lord Gray's case there was only a conspiracy: He says, that in Sir Henry Vane's and Plunket's case there were several other ingredients to mount them to treason; but what they were nobody must learn, at least not from the author, for he names none of them.

He consumes half a page in an encomium upon the judiciousness of that court which made a conscientious legal scruple, whether the murder of a mistress by her servant were petit-treason, by reason of the difference of her gender? But at last he tells us, that the judges of the Common Pleas did, upon much deliberation, satisfy those of the King's-Bench, that master and mistress were in effect but one.

In the conclusion of the first letter he says, that conspiring against the king's person is most justly taken to be to conspire against the king's life; but in the book he will not allow a conspiring and agreeing to seize (*i. e.* beat and destroy) the guards, which are ordinarily and commonly known to attend the king's person, to be a conspiring against his person, which, whether it be or not, the next trial of this nature will determine. Now, after all, what can be a greater reflection upon the learning, judgment, and integrity of the king's council, judges, and recorder, than to declare and publish in print, that the first prosecuted, the second tried, and the last condemned a gentleman as a traitor, when the charge had nothing in it of that nature? If true, the bare printing it is unbecoming the —— But, as for their reputations, let them justify themselves. The reason of my undertaking to explode such a reflection was my own and every man's duty to the present government, (the king and queen's majesties being both concerned, and eminently too, in the consequence of such doctrines,) and a love to my countrymen, that they may not presume upon the authority of such a defence; for if they do they may find their mistake, when noozed through the power of truth, the contrary opinion.

As to the proof, I will not rake into it, since the author hath represented too much of its strength, and *de mortuis nil nisi bonum*, it can never be thought a grateful province to debate or convince of guilt; but yet I may say so much, that there was evidence enough to justify all concerned in the prosecution and trial, though, for several reasons, the attainder is fit to be reversed, but hardly for those which the author mentions.

Since my writing of this sheet, there came to my hands a treatise, calling itself The Lord Russel's Case, which savours more of policy than law, and his topicks are, the rights of the people and power of parliaments; they argue the author to be a greater statesman than lawyer, and therefore much too great for me to encounter; and a debate

concerning the heads he insists on is neither safe nor allowable without doors. I shall make but three remarks on what he says:—First, he may assure himself, that that power from which he argues his law is now apparently lodged in the commonalty, not in the nobility. Secondly, the king's solicitor (whom he reflects on) twittered more reason and law than yet hath been, or ever will be answered. And, thirdly, the indictment contained no new constructive treason, but only that which was plainly and directly declared in and by the 25 Edw. III. if the letters of it make words, and the words sense, and one man may be allowed able to read them as well as another.

Since the writing of the last paragraph, there came to my hands another pamphlet, written by a new observator; but I suppose the judges that shall be will correct that sort of licentiousness which he assumes in his remarks, which, if they do not, they'll have fine easy places on't, as well as their predecessors; and much good may it do them.

Ætas parentum pejor avis, tulit
Nos nequiores, mox daturos
Progeniem vitiosiorem.

The Judgment and Decree of the University of Oxford, passed in their Convocation, July 21, 1683, against certain pernicious Books, and damnable Doctrines, destructive to the sacred Persons of Princes, their State and Government, and of all human Society.

The following piece of adulation and servility was presented to King Charles II. and afterwards burnt by the hangman, by order of parliament. It was, with many other follies, the fruit of the triumph of Toryism after the Rye-house Plot was discovered. Ralph mentions it in the following terms:—"The ill success of the whig party, and the general belief of the new conspiracy, made the tories ride in triumph this year, and occasioned the straining, and perhaps not sufficiently explaining the points of prerogative and subjection. They now alledged, 'That the discovery of the plot had decided the argument, and had shewn the necessity of passive obedience.' And, accordingly, it seemed equally espoused by the court, the pulpit, the bench, and the bar. And, besides the arguments brought from the laws of God and those of the land, the humour of the people carried it to that height, that it was dangerous, or at least unfashionable, to oppose it. Under the impulse of this increasing zeal, the university of Oxford made a solemn decree, which passed in the convocation there, on the same day of the execution of the Lord Russel, and presented it to the king under this title: 'The Judgment and Decree of the University of Oxford passed in their Convocation on July 21, 1683, against certain pernicious Books, and damnable Doctrines, destructive to the sacred Persons of Princes, their State and Government, and of all Human Society.' In which decree, they formally condemned twenty-seven propositions, collected out of several modern authors, as Buchanan, Bellarmine, Milton, Dolman, Hobbs, Goodwin, Owen, Baxter, Jenkins, Goodman, Julian, Protestant Reconciler, &c. which propositions they declared to be, 'false, seditious, and impious, and most of them heretical and blasphemous, infamous to Christian religion, and destructive to all government, both in church and state.' And the books, from whence they were taken, were at the same time ordered to be burnt in the public court of the schools. It ought to be added, that the propositions thus solemnly condemned by that learned body were of various kinds; some being the work of politicians and some of enthusiasts: That, as to what regards the latter, *viz.* That dominion is founded on grace; that the powers of the world are usurpations upon the prerogative of Christ; that the presbyterian government is the scepter of Christ's kingdom, to which kings, as well as

others, are bound to submit, and the decree will justify itself. And that, as to what regards the former, *viz.* that all civil authority is derived from the people; that if lawful governors become tyrants they forfeit their right of governing; that the King of England has but a co-ordinate power with the other two estates; that birthright and proximity of blood give no title to rule; that there lies no obligation on Christians to passive obedience, &c. we shall find that learned body stand self-condemned upon their own decree by their own subsequent actions."—RALPH's *History*, I. 769.

ALTHOUGH the barbarous assassination lately enterprised against the person of his sacred majesty and his royal brother, engage all our thoughts to reflect with utmost detestation and abhorrence on that execrable villainy, hateful to God and man, and pay our due acknowledgments to the divine Providence, which, by extraordinary methods, brought it to pass, that the breath of our nostrils, the anointed of the Lord, is not taken in the pit which was prepared for him, and that under his shadow we continue to live and enjoy the blessings of his government; yet, notwithstanding, we find it to be a necessary duty at this time to search into and lay open those impious doctrines, which having of late been studiously disseminated, gave rise and growth to these nefarious attempts, and pass upon them our solemn public censure and decree of condemnation.

Therefore, to the honour of the holy and undivided Trinity, the preservation of catholic truth in the church, and that the king's majesty may be secured both from the attempts of open bloody enemies and machinations of treacherous heretics and schismatics, we, the vice-chancellor, doctors, proctors, and masters regent and not regent, met in convocation, in the accustomed manner, time, and place, on Saturday, the one and twentieth day of July, in the year one thousand six hundred eighty-three, concerning certain propositions contained in divers books and writings, published in the English and also the Latin tongue, repugnant to the holy scriptures, decrees of councils, writings of the fathers, the faith and profession of the primitive church, and also destructive of the kingly government, the safety of his majesty's person, the public peace, the laws of nature, and bonds of human society, by our unanimous assent and consent, have decreed and determined in manner and form following:—

The first Proposition.

All civil authority is derived originally from the people.

The Second.

There is a mutual compact, tacit or express, between a prince and his subjects, and that if he perform not his duty, they are discharged from theirs.

The Third.

That if lawful governors become tyrants, or govern otherwise than by the laws of God and man they ought to do, they forfeit the right they had unto their government. *Lex Rex. Buchanan, de Jure Regni. Vindiciæ contra Tyrannos. Bellarmine de Conciliis, de Pontifice. Milton, Goodwin, Baxter, H. C.*

The Fourth.

The sovereignty of England is in the three estates, *viz.* kings, lords, and commons. The king has but a co-ordinate power, and may be over-ruled by the other two. *Lex Rex. Hunton*, of a limited and mixed monarchy. *Baxter, H. C. Polit. Catechis.*

The Fifth.

Birthright and proximity of blood give no title to rule or government, and it is lawful to preclude the next heir from his right and succession to the crown. *Lex Rex. Hunt's Postscript. Doleman's History of Succession. Julian the Apostate. Mene Tekel.*

The Sixth.

It is lawful for subjects, without the consent, and against the command of the supreme magistrate, to enter into leagues, covenants, and associations, for defence of themselves and their religion. *Solemn League and Covenant. Late Association.*

The Seventh.

Self-preservation is the fundamental law of nature, and supersedes the obligation of all others, whensoever they stand in competition with it. *Hobbs de Cive Leviathan.*

The Eighth.

The doctrine of the gospel concerning patient suffering of injuries is not inconsistent with violent resisting of the higher powers in case of persecution for religion. *Lex Rex. Julian Apostat. Apolog. Relat.*

The Ninth.

There lies no obligation upon Christians to passive obedience, when the prince commands any thing against the laws of our country; and the primitive Christians chose rather to die than resist, because Christianity was not settled by the laws of the empire. *Julian Apostate.*

The Tenth.

Possession and strength give a right to govern, and success in a cause, or enterprize, proclaims it to be lawful and just; to pursue it, is to comply with the will of God, because it is to follow the conduct of his providence *Hobbs. Owen's Sermon before the Regicides, Jan.* 31, 1648. *Baxter. Jenkins's Petition, Oct.* 1651.

The Eleventh.

In the state of nature, there is no difference between good and evil, right and wrong; the state of nature is a state of war, in which every man hath a right to all things.

The Twelfth.

The foundation of civil authority is this natural right, which is not given, but left to the supreme magistrate upon men's entering into societies; and not only a foreign invader, but a domestic rebel, puts himself again into a state of nature to be proceeded against, not as a subject, but an enemy, and consequently acquires by his rebellion the same right over the life of his prince, as the prince for the most heinous crimes has over the life of his own subjects.

The Thirteenth.

Every man, after his entering into a society, retains a right of defending himself against force, and cannot transfer that right to the commonwealth when he consents to that union whereby a commonwealth is made; and in case a great many men together have already resisted the commonwealth, for which every one of them expecteth death, they have liberty then to join together to assist and defend one another. Their bearing of arms subsequent to the first breach of their duty, though it be to maintain what they

have done, is no new unjust act, and if it be only to defend their persons, is not unjust at all.

The Fourteenth.

An oath superadds no obligation to fact, and a fact obliges no farther than it is credited; and consequently if a prince gives any indication that he does not believe the promises of fealty and allegiance made by any of his subjects, they are thereby freed from their subjection; and, notwithstanding their pacts and oaths, may lawfully rebel against, and destroy their sovereign. *Hobbs de Civ. Leviathan.*

The Fifteenth.

If a people, that by oath and duty are obliged to a sovereign, shall sinfully dispossess him, and, contrary to their covenants, chuse and covenant with another, they may be obliged by their later covenants, notwithstanding their former. *Baxter, H. C.*

The Sixteenth.

All oaths are unlawful, and contrary to the word of God. *Quakers.*

The Seventeenth.

An oath obligeth not in the sense of the imposer, but the takers. *Sheriff's Case.*

The Eighteenth.

Dominion is founded in grace.

The Nineteenth.

The powers of this world are usurpations upon the prerogative of Jesus Christ; and it is the duty of God's people to destroy them, in order to the setting Christ upon his throne. *Fifth-Monarchy Men.*

The Twentieth.

The presbyterian government is the scepter of Christ's kingdom, to which kings, as well as others, are bound to submit; and the king's supremacy in ecclesiastical affairs, asserted by the church of England, is injurious to Christ, the sole king and head of his church. *Altare Damascenum. Apolog. Relat. Hist. Indulg. Cartwright. Travers.*

The Twenty-first.

It is not lawful for superiors to impose any thing in the worship of God that is not antecedently necessary.

The Twenty-second.

The duty of not offending a weak brother is inconsistent with all human authority of making laws concerning indifferent things. *Protest. Reconciler.*

The Twenty-third.

Wicked kings and tyrants ought to be put to death; and if the judges and inferior magistrates will not do their office, the power of the sword devolves to the people; if the major part of the people refuse to exercise this power, then the ministers may excommunicate such a king; after which it is lawful for any of the subjects to kill him, as the people did Athaliah, and Jehu Jezebel. *Buchanan. Knox. Goodman. Gilby. Jesuits.*

The Twenty-fourth.

After the sealing of the scripture-canon, the people of God in all ages are to expect new revelations for a rule of their actions (*a*); and it is lawful for a private man, having

an inward motion from God, to kill a tyrant (*b*). (*a*) *Quakers, and other Enthusiasts.* (*b*) *Goodman.*

The Twenty-fifth.

The example of Phineas is to us instead of a command; for what God hath commanded or approved in one age must needs oblige in all. *Goodman. Knox. Napthali.*

The Twenty-sixth.

King Charles the First was lawfully put to death, and his murderers were the blessed instruments of God's glory in their generation. *Milton. Goodwin. Owen.*

The Twenty-seventh.

King Charles the First made war upon his parliament; and in such a case the king may not only be resisted, but he ceaseth to be king. *Baxter.*

We decree, judge, and declare, all and every of these propositions to be false, seditious, and impious; and most of them to be also heretical and blasphemous, infamous to Christian religion, and destructive of all government in church and state.

We farther decree, That the books which contain the aforesaid propositions and impious doctrines are fitted to deprave good manners, corrupt the minds of unwary men, stir up seditions and tumults, overthrow states and kingdoms, and lead to rebellion, murder of princes, and atheism itself; and therefore we interdict all members of the university from the reading of the said books, under the penalties in the statutes exprest. We also order the before-recited books to be publickly burnt by the hand of our marshal, in the court of our schools.

Likewise we order, that, in perpetual memory hereof, these our decrees shall be entered into the registry of our convocation; and that copies of them being communicated to the several colleges and halls within this university, they be there publicly affixed in the libraries, refectories, or other fit places, where they may be seen and read of all.

Lastly, we command and strictly enjoin all and singular the readers, tutors, catechists, and others to whom the care and trust of institution of youth is committed, that they diligently instruct and ground their scholars in that most necessary doctrine, which, in a manner, is the badge and character of the church of England, of submitting to every ordinance of man for the Lord's sake, whether it be to the king as supreme, or unto governors as unto them that are sent by him, for the punishment of evil doers, and for the praise of them that do well; teaching that this submission and obedience is to be clear, absolute, and without exception of any state or order of men. Also that they, according to the apostle's precept, exhort, that first of all supplications, prayers, intercessions, and giving of thanks be made for all men, for the king, and all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty; for this is good and acceptable in the sight of God our Saviour: and in especial manner that they press and oblige them humbly to offer their most ardent and daily prayers at the throne of grace, for the preservation of our sovereign Lord King Charles, from the attempts of open violence and secret machinations of perfidious traitors; that the defender of the faith, being safe under the defence of the Most High, may continue his reign on earth till he exchange it for that of a late and happy immortality.

The Speech of Sir George Pudsey, Knight, at the Time of his being sworn Recorder of the City of Oxford, in the Council-Chamber of the same City, on Tuesday, the Eighth Day of January, 1683-4, *where they agreed to the sealing the Instrument sent by his Majesty.*

Ordered, by Act of Council, that Sir George Pudsey, Knight, be desired to print his Speech.—BAKER.

Sir George Pudsey, of Elsfield, near Oxford, had stood a candidate for representing that city three times within two years, in 1679 and 1680; but, being in the tory interest, was always unsuccessful, owing, according to Anthony Wood, to the cabals of Buckingham and Lovelace.—See WOOD's *Life*, p. 284, 289, 295. Upon the triumph of the tory party, Sir George Pudsey was chosen recorder, 15th September, 1683, being a time when all people had declared for the king and the Duke of York.

Gentlemen,

FORTUNE has at last gratified me in that earnest desire I have always had to serve you; and though I despair of making due acknowledgements, yet you may believe that I am very sensible of the favour you have done me in so unanimously chusing me to be your servant; for such a one your recorder is: It is a place of honour and of trust, and if I discharge it not as I ought, or at least as I am able, I am the worst of men: I value myself much upon it, but more upon your friendship. Perhaps few recorders for many ages have been so freely elected; therefore gratitude as well as oath obliges me to be faithful to you; interest also (a mighty motive) prompts me to the same. I am your neighbour as well as fellow-citizen; the little fortune that I have lies near you. If Oxford flourish, Elsfield will not fare the worse. Gentlemen, I hope you will have a favourable opinion of him you have made yours. It is no inconsiderable disadvantage to succeed a man of such great abilities as your last recorder was; a person who lived long amongst you, and knew the secrets of your corporation; yet this I vow, I will pray the aid of all the inns of court rather than you shall suffer. And indeed why should you in any thing? Have you not opportunities enough to be happy? Does not the great and good Earl of Abington offer his assistance, ready at all times upon his knee to beg his majesty's favour in your behalf? When he appears, "Make room for Oxford," cry the guards; the town is loyal grown; when at another time (if I may speak it) a modest Oxford man dare hardly peep in court. Why then do not we, by his vast interest, let in the beams of majesty upon us? Who can live without the sun? Have we not a famous university for our example? Let her great loyalty (if it be possible) be out-done by us. Can we be poisoned at the fountain-head? Where is learning, piety, and obedience practised, if not in this our English Athens? Who so ignorant that does not know how eminent this place has been for loyalty? How proud it was when Charles the First, that glorious king, shut himself up within our walls? Did not our citizens follow Bellona's call, to defend his sacred person from rebels' fury?

Was not this the seat of war? With what bravery and gallantry did this city assert its monarch's right! Surely the stock of loyalty is not worn out. How many are there in this place now who lived in those days, and played the soldier's part? Therefore I will not think there is an ill man amongst us, however it happens that for some miscarriages of ours we stand not right in Cæsar's favour. We promise largely, perform poorly, and that with grudging too. The widow's mite, what was it? Yet, being all, and freely given, had the largest thanks. Gentlemen, let me advise you to redeem yourselves again. His majesty, whom the law styles head of the kingdom, father of the country, master of the whole family of the nation, chief justice of all England, and a kind of petty god on earth; who, for the excellency of his person, by way of resemblance, has divine attributes, as immortality, for as king he never dies, sovereignty, majesty, power, verity, justice, and the like;—he is merciful, of a god-like temper, as ready to forgive as we to ask: Let us think nothing but good of him and his government; for fears and jealousies have been of fatal consequence to this nation, and still are the greatest enemies to the peace and tranquillity of it. Sometimes they cry, "Popery is a breaking in upon us!" when, God knows, (as it is lately proved,) the eight hundredth man is not papist, unless all are such that are not dissenters from the church, for so indeed they call us. Did not his majesty, for several years, live in popish soil, yet came over to us as well in heart as title, defender of the faith. His royal highness, Great Britain's Mars, its heir and glory, has upon all occasions exprest himself highly in favour of our church; has settled the protestant religion upon such sure foundations in Scotland, that it is not to be shaken. Are not his daughters (after him the present heirs to the imperial crown) protestants, and married two such princes on design purely for to secure our religion, when France itself courted that alliance for its heir? Are not the lords of the Romish faith excluded the house of peers? The laws strictly put in execution against the papists? Besides, what alteration can there be in church or state without a national consent? If these are signs of popery, then indeed we are in danger. What think ye, gentlemen? You are men of reason, live among the muses, where learning is at the height; though I must confess, if a papist must not breathe common air, or tread his native earth, because he is so, it is hard. Who does not think his own opinion best? Sometimes again, how do the fears of arbitrary power, of loss of liberty and property, call crowds together to consult, who shake the head, look down, cry "We are all lost, sad times are coming!" when that is the only way to have them come; for if a people grow rebel-ripe, why should not we believe that kings who sit at stern, that pick and cull the nation for the wisest heads, should not endeavour to preserve their empire and dominion, as well as we quit shops and stalls, and fly to coffee-houses to examine every letter, to see how things are like to go with us? Gentlemen, be not seduced by men of seditious spirits; the first sin of men and angels was rebellion; heaven and paradise were lost by it; believe it is the king's interest, as well as royal inclination, to preserve us in our rights and liberties; for take away property, and industry is quickly at an end. Where is the crown's safety then? The empty traveller laughs at the thief. Who values his country's defence that hath nothing in it which he can call his own? In some of the eastern parts, (the garden of the world by nature,) a man may ride some scores of miles, and scarcely see a hut, because no man has any thing but at the prince's will. With us, the prosperity of the people is the monarch's joy: he always esteems himself rich if they are so.

Gentlemen, I am not altogether a stranger to history; can give a reasonable account of most countries, amongst which England has not an equal. Let us see how matters stood with the Jews, in righteous David's days. "Thou and Ziba divide the land," was David's judgment against his master's son before his offence was proved. A scimetar, or a bow-string, leaves breathless in a minute the greatest subject in three parts of the world, without a judge and jury. In our neighbouring countries, racks

and wheels are thought gentle easy ways to find out truth. The French king's sword is his subjects' charter; the Spanish inquisition this world's hell. In Holland itself, that famed commonwealth, a herring is excised nine times before it is eat; yet in these places all hush and still; no plots to murder kings or magistrates. Gentlemen, you must pardon me if I tell ye, that many times the too great indulgence of a prince brings speedy ruin to a nation. Plutarch, in the life of Lycurgus, gives us a relation of one Eurytion, a Spartan king, who took a course never practised by his wise predecessors, which was to cajole his own subjects by slacking the reins of the royal authority: but see what followed; instead of gaining upon them, they grew so insolent that at last they brought the government into contempt, and soon after the whole kingdom into anarchy and confusion, and were never satisfied, till one of their best princes was barbarously murdered in the streets by the rabble, as he was appeasing a tumult. How near a parallel is this to his late majesty, who, I will boldly say, has done more, except the present king, to endear the subject than all the kings from the Norman to this time besides. But what comes on it? That is a melancholy consideration. Mercy and goodness in princes are too often mistaken, and called necessity and easiness of nature: a yielding king shall always find a craving subject. We are like the Israelites, never satisfied; desire to return back into Egypt into our old bondage. I have heard, that, in the late rebellion, a captain and his company has made London, that haughty mistress of our isle, whom we so much delight to imitate, all in tears, her citizens crouching like spaniels at the frown of a traitor, when, at the same time, they bid defiance to their king.

Are not we turned madmen, and the Devil fool? His invention is lost. Must a nation be destroyed, twice in half an age, by the very same methods? A juggler's tricks, if shewn more than once or twice, become children's sport. Popery was the topick among the zealous ever since I remember; and is now the only idol that supports the brethren's cause: if the word were but forgotten, they were dumb; it's the holding twig. Who would not have sworn, three years since, that the pope's bull was not broken in among us? "No popery! no papist!" were the Oxford cries; when, on my conscience, the promoters of the noise are nearer that persuasion than myself, the man they aimed at. Do they not say, that kings are the people's creatures, made by them, and, when the spirit moves, may be laid aside again? Our church abhors such doctrine; let us hold to that. Julian, that cunning arch enemy of our religion, encouraged all opinions and sects amongst the Christians that tended to the rooting out of our faith. For shame! let us grow wiser; we are in safety, (if there be such a thing on this side heaven). Let the most factious fellow of them all tell me what is not done to secure the subject. He is fenced in on every side: the Star Chamber, Court of Wards, High Commission Court, and every thing which the people had the least colour to call grievous, are willingly laid aside. What a noise has quartering of soldiers made. How are the law-books filled with cases of imprisonments. To ease us of these fears too, there is not a soldier looks into a private house, or enters any inn, but as a traveller; the landlord makes the bill. What offender is not bailed out of prison in such a time, if not prosecuted, though treason threw him in? If such acts of grace as these will not give us grateful souls, or at least keep us in quiet, nothing but a rod of iron will. Will there be no peace till Sheba's head is thrown over the wall? Gentlemen, I could waste a day upon this subject, and challenge all the world to shew me such another government; therefore, if these be signs of arbitrary power, of loss of liberty and property, speak, gentlemen, be not silent. Good men will be convinced by reason, and bless their Maker for their happiness: Ill men must be watched by those that are in power. He that grumbles at this government, with Lucifer would quarrel with heaven, therefore with him deserves his punishment. But suppose the worst, that our fears were true, that religion and allegiance did no ways oblige us, that his majesty had as

many vices as he has virtues, would rebellion mend the matter?—No, that a nation's ruin is ready to attest. Has not that happened to us, and much more, which foolish Rehoboam threatened the ten tribes with,—that his little finger should be heavier upon them than his father's loins?—that if his father whipped them with rods, he would beat them with scorpions? Gentlemen, a civil war is like a gaming-house, where none gets at last but the box-keeper. Not long after his majesty's return, I was at such a place at a time when a great lord had lost no little sum; to chear his heart, he calls for a glass of wine, and drinks a health to him that had gained by play: amongst fifty gentlemen there was not one would lay any title to it. At last in comes a little creeping fellow, and claims the health, protesting that he had never brought into the house more than half-a-crown at any one time, seldom so much; yet, by his cunning and advantages, had heaped up many a hundred pounds: so in a civil war, the beggar mounts a horseback, and all above him go a-foot; cobblers and tinkers turn lords, and lords turn nothing. If rebellion has success (which, to the discouragement of all treason, it has had but once these six hundred years in England) to change its government, yet the leading rebels very rarely die in peace. If the prince be victorious, which certainly he is, unless when the Almighty intends to call the nation to a reckoning for her sins, then the people are at mercy. Which of us would willingly call an equal, or an inferior, Lord? Where were our English liberty then? Therefore, since all cannot be kings, let us be obedient to him that is the best of kings; think loyalty our greatest interest as well as duty. Gentlemen, consider, we have watchful eyes over us: esteem not them good citizens who advise us to wrestle too much with majesty, for we shall have the fall. Why, then, all say with me, "Long live the king!" We will grant him any thing that he will have; because we are sufficiently assured he will ask nothing but what we may freely and safely give.

A true Relation of the late King's Death.

Charles had now reached that moment which neither power nor pleasure can postpone. The events of his last hours are differently related by historians, who agree only in the main point, of his having conformed to the catholic religion. Barillon, the French ambassador, writes a very particular account of this matter to his court, which is printed both in Dalrymple's and Fox's History. The instrument by whom Charles was reconciled to the church of Rome, was Huddlestone, a Benedictine monk, the same who had come to his assistance after the defeat at Worcester, and guarded him from his perilous concealment in the royal oak to the house of Mr Lane. See CLARENDON's *History*, vol. III. For this good office Huddlestone was exempted from the laws against catholic priests, and permitted to give attendance at Whitehall. There is more dispute about the person who suggested to the king the supposed duty of reconciliation. Barillon gives the honour of the first motion to the Duchess of Portsmouth, and says that he himself spoke of it to the Duke of York at her request. I do not understand whom the author of the following relation indicates by the letters P. M. A. C. F., as performing this office. One would have thought that James's bigotry would have needed no remembrancer on such an occasion.

On Monday, being the 2d of February, the king rose early, saying, that he had not slept well the last night, and about seven o'clock, coming from his private devotions out of his closet, fell down (with scarce any sign of life remaining in him for the space of four hours) of a fit of an apoplexy; but with the loss of sixteen ounces of blood, and other applications, came again to his senses, and great hopes were entertained of his recovery till Thursday one o'clock, so that at five the doctors, being come before the council, declared that the king was in great danger, and on Friday, a quarter before twelve, he departed this life.

P. M. A. C. F. came to the duke, upon the doctor's telling him of the state of the king, and told him, that now was the time for him to take care of his brother's soul, and that it was his duty to tell him so; the duke with this admonition went to the king, and after some private discourse the king uttered these expressions, "Oh! brother, how long have I wished—but now help me;" withal declaring, that he would have Mr H., who had preserved him in the tree, and now hoped would preserve his soul: Mr H. was accordingly sent for, and desired to bring all necessaries for a dying man; but he not having the blessed sacrament by him, went to one of the Q. P.,[1] and telling him the occasion, desired his assistance to procure it, and to bring it to the back stairs; the king having notice that Mr H. waited at the door, desired to be in private, whereupon the bishops and all the nobles withdrew; the duke catching fast the door, the Lords P. B. and F.[2] were going out also, but the duke told them they might stay. The king seeing Mr H., cried out, "Almighty God, what good planet governs me, that all my life is wonders and miracles! when, O Lord, I consider my infancy, my exile, my escape at Worcester, my preservation in the tree, with the assistance of this good father, and now to have him again to preserve my soul! O Lord, my wonderful restauration, my great danger in the late conspiracy, and, last of all, to be raised from death to life, and to have my soul preserved by the assistance of this father, whom I see, O good Lord, that thou hast created for my good!" The duke and lords withdrew into the closet for the space of an hour and a half, then entering the room again, the father asked the king whether he would be pleased to receive; he answered, "If I am worthy of it—Amen, Amen." The father remaining comforting and praying with him, he said, "Father, if I am worthy of it, I pray let me have it;" the father said it would be brought to him immediately, and asked his leave to proceed with extreme unction; the king replied, "With all my heart," the duke and lords assisting at the time. Mr H. was called to the door, where he received the blessed sacrament, and desiring the king to compose himself to receive, he would fain have arose, (but was persuaded to the contrary) saying, "Let me meet my heavenly Father in a better manner than lying on my back;" but being over-ruled, they continue in prayer; amongst others the father repeats an act of contrition, desiring the king to repeat it word by word after him: Having made an end, the king received with the greatest expressions of devotion imaginable: This being ended, they go on with the prayers *de Anima*, which being done, the king desired the act of contrition to be repeated, saying, "O Lord, good Lord, when my lips fail let my heart speak these words eternally, Amen." The bishops and lords enter again the room, and desire the king to remember his last end, and to endeavour to make a good end; he said he had thought of it, and hoped he had made his peace with God; they asked him whether he would receive, he said he would not; but persisted in extolling the queen and duke, saying, "he was not sorry to leave the world, leaving so good a brother to rule after him."

[1] Queen's Priests, a Portugueze friar, who instructed Huddlestone, who was himself no great divine, in the manner he was to conduct himself towards the penitent.

[2] Petre, Bath, and Feversham, all catholics, and favourites of the Duke of York.

TRACTS

DURING

THE REIGN OF KING CHARLES II.

THIRD CLASS.

MISCELLANEOUS TRACTS.

KING CHARLES II.

THIRD CLASS.

MISCELLANEOUS TRACTS.

London's Lord have Mercy upon us: A true Relation of Seven modern Plagues or Visitations in London, with the Number of those that were buried of all Diseases, viz. The first in the Year of Queen Elizabeth, Anno 1592. *The second in the Year* 1603. *The third in (that never to be forgotten Year)* 1625. *The fourth in Anno* 1630. *The Fifth in the Year* 1636. *The Sixth in the Years* 1637 *and* 1638. *The Seventh this present Year,* 1665. *Printed* 1665.

It was, as we learn from Dr Quincy, a belief among the populace of London, that the plague attacked the city once in twenty years. The present memoranda would have authorized them to expect even a more frequent visitation. Indeed, until the great fire of London, in 1666, destroyed so many of the narrow and crooked allies with which the city of London was disgraced, and occasioned its being rebuilt upon a plan more airy and wholesome, the plague was almost perpetually lurking in some obscure corner or other of the metropolis. The quaint title of the tract is taken from the inscription, "Lord have mercy upon us," which, with a red cross, was placed upon the walls of infected houses.

AN exact and true relation of the number of those that were buried in London and the liberties, of all diseases, from the 17th of March, 1591, to the 22d of December, 1592.

		Total.	Pla.
March	17	351	31
	24	219	29
	31	307	27
April	7	203	33
	14	290	37
	21	310	21
	28	350	29
May	5	339	38
	12	300	42
	19	450	58
	26	410	62
June	2	441	81
	9	399	99
	16	401	108
	23	850	118
	30	1440	927
July	7	1510	893
	14	1491	258
	21	1507	852
	28	1503	983

		Total.	Pla.
August	4	1550	797
	11	1532	651
	18	1508	449
	25	1490	507
September	1	1210	563
	8	621	451
	15	629	349
	22	450	130
	29	408	327
October	6	422	323
	13	330	308
	20	320	302
	27	310	301
November	3	309	209
	10	301	107
	17	321	93
	24	349	94
December	1	331	86
	8	329	71
	15	386	39
	22		

Baptized	5827
The total	25886
Of the plague	11503

1603.

March	17	108	3
	24	60	2
	31	78	6
April	7	66	4
	14	79	4
	21	98	8
	28	109	10
May	5	90	11
	12	112	18
	19	122	22
	26	122	32
June	2	114	30
	9	131	43
	16	144	59
	23	182	72
	30	267	158
July	7	445	263
	14	612	424

The out-parishes this week were joined with the city.

July	21	1186	917
	28	1728	1392

		Total.	Pla.
August	4	2256	1925
	11	2077	1743
	18	3054	2719
	25	2853	2535
September	1	3385	3034
	8	3078	2728
	15	3129	2815
	22	2456	2192
	29	1961	1731
October	6	1831	1649
	13	1312	1142
	20	766	648
	27	625	504
November	3	737	592
	10	585	441
	17	384	255
	24	198	102
December	1	223	105
	8	163	55
	15	200	66
	22	168	74

The total of the burials this whole year,	38250
Of the plague,	30583

1625.

Buried in London and the liberties, of all diseases, anno 1625, the number here following:

March	17	262	4
	24	226	8
	31	243	11
April	7	239	10
	14	256	24
	21	250	25
	28	305	26
May	5	292	30
	12	332	45
	19	279	71
	26	401	78
June	2	395	69
	9	434	91
	16	510	165
	23	640	239
	30	942	390
July	7	1222	593
	14	1781	1004
	21	2850	1819

		Total.	Pla.
July	28	3583	2471
August	4	4517	3659
	11	4855	4115
	18	5205	4463
	25	4851	4218
September	1	3897	3344
	8	3157	2550
	15	2148	1672
	22	1994	1551
	29	1236	852
October	6	833	538
	13	815	511
	20	651	331
	27	375	134
November	3	357	89
	10	319	92
	17	274	48
	24	231	27
December	1	290	15
	8	181	15
	15	168	6
	22	157	1
The total of the burials this whole year,			54082
Of the plague,			35428

1630

June	24	205	19
July	1	209	25
	8	217	43
	15	250	50
	22	229	40
	29	279	77
August	5	210	56
	12	246	65
	19	269	54
	26	270	67
September	2	230	66
	9	259	63
	16	264	68
	23	274	57
	30	269	56
October	7	236	66
	14	261	73
	21	248	60
	28	214	34
November	4	242	29
	11	215	29
	18	200	18
	25	226	7

		Total.	Pla.
December	2	221	20
	9	198	19
	16	217	5
The total of the burials this whole year,			10554
Of the plague,			1317

1636.

Buried in London and the liberties, of all diseases, the numbers as followeth:

April	7	119	2
	14	205	4

This week was added to the city parishes,
St Margaret, Westminster.
Lambeth.
St Mary, Newington.
Redriffe.
St Mary, Islington.
Stepney Parish.
Hackney Parish.

April	21	285	14
	28	259	17
May	5	251	10
	12	308	55
	19	299	35
	26	330	62
June	2	339	67
	9	345	87
	16	381	103
	23	304	79
	30	352	104
July	7	215	81
	14	372	104
	21	395	120
	28	423	151
August	4	461	206
	11	538	283
	18	638	321
	25	787	429
September	1	1011	638
	8	1069	650
	15	1306	865
	22	1229	775
	29	1403	928
October	6	1405	921
	13	1302	792
	20	1002	555

		Total.	Pla.
October	27	900	458
November	3	1300	838
	10	1104	715
	17	950	573
	24	857	476
December	1	614	312
	8	459	167
	15	385	85
	22	316	76
	29	383	125
The total of all the burials this year,		27415	
Of the plague,			12102

1637.

January	5	281	126
	12	314	73
	19	268	59
	26	289	72
February	2	351	103
	9	315	104
	16	285	78
	23	254	44
March	2	262	69
	9	332	100
	16	303	80
	23	260	65
	31	243	115
April	7	301	98
	14	288	79
	21	300	90
	28	319	107
May	4	292	81
	11	300	105
	18	385	74
	25	314	83
June	1	269	72
	8	273	74
	15	268	110
	22	304	106
	29	371	156
July	6	362	163
	13	325	133
	20	321	140
	27	355	117
August	3	300	89
	10	275	74
	17	228	53
	24	225	43
	31	209	30
September	7	227	36
	14	200	21
	21	184	21
	28	197	27
October	5	166	15
	12	198	17
	19	174	13
The total of the burials this year,		14270	
Of the plague,			3603

1638.

Buried in London and the liberties this year, of all diseases,	16621
Of the plague,	508

1646.

Buried in London and the liberties this year, of all diseases,	10415
Of the plague,	2436

1647.

Buried in London and the liberties this year, of all diseases,	16452
Of the plague,	5285

1648.

Buried in London and the liberties this year, of all diseases,	11509
Of the plague,	693

1665.

Buried in London and the liberties, of all diseases, the number as followeth:

April	25	398	2
May	2	388	0
	9	347	9
	16	353	3
	23	385	14
	30	399	17
June	6	405	43
	13	558	112
	20	611	168
	27	684	267
July	4	1006	470
	11	1268	725
	18	1761	1089
	25	2785	1843
August	1	3014	2010

	Total.	Pla.
August 8	4030	2817
15	5319	3880
22	5568	4237
29	7496	6102
September 5	8252	6978
12	7690	6544
19	8297	7165
26	6460	5533
October 3	5720	4929
10	5068	4327
17	3219	2665
24	1806	1421
31	1388	1031
November 7	1787	1414
14	1359	1050
21	905	652
28		

Buried in the 97 parishes within the walls, from Nov. 14 to Nov. 21,
Of the plague, 127

In the out-parishes this week of the plague,

St Andrew's, Holborn,	18
St Bartholomew the Great,	2
St Bartholomew the Less,	1
St Bride's Parish,	6
Bridewel Precinct,	2
St Botolph, Aldersgate,	6
St Botolph, Algate,	24
St Botolph, Bishopsgate,	11
St Dunstan's West,	9
St George, Southwark,	8
St Giles, Cripplegate,	17
St Olave's, Southwark,	29
St Saviour's, Southwark	65
St Sepulchre's Parish,	9
St Thomas, Southwark,	8
Trinity Minories,	
At the Pesthouse,	2
St Giles in the Fields,	16
Hackney Parish,	3
St James, Clerkenwell,	2
St Katharine, Tower,	7
Lambeth Parish,	35
St Leonard, Shoreditch,	6
St Magdalen, Bermondsey,	19
St Mary, Newington,	1
St Mary, Islington,	3
St Mary, Whitechappel,	30
Redriff Parish,	10
Stepney Parish,	103
St Clement Danes,	7
St Paul, Covent-Garden,	2
St Martin's in the Fields,	15
St Mary, Savoy,	4
St Margaret, Westminster,	45
At the Pesthouse,	
Buried this week of all diseases,	905
Of the plague,	652
Decreased in the burials	454
Parishes clear of the plague,	46
Parishes infected,	81

Certain approved medicines for the plague, both to prevent that contagion, and to expel it after it be taken, as have been approved in anno 1625, as also in this present visitation, 1665.[1]

A cheap Medicine to keep from Infection.

Take a pint of new milk, and cut two cloves of garlick very small, put it in the

[1] Dr Quincy, who writes a treatise on this dreadful disorder, found, like Sir John Falstaff, great virtue in sack: —"But before I proceed further, gratitude obliges me to do justice to the vertues of sack, as it deservedly is ranked amongst the principal antidotes, whether it be drank by itself or impregnated with wormwood, angelica, &c. for I have never yet met with any thing so agreeable to the nerves and spirits in all my experience. That which is best is middle-aged, neat, fine, bright, racy, and of a walnut flavour; and it is certainly true, that during the late fatal times both the infected and the well found vast benefit from it, unless they who used it too intemperatively; many indeed medicated it with various alexipharmick simples."—*Account of the Plague in London, by N. Hodges, M.D. Lond.* 1710, 8vo. *p.* 118. Neither did the learned doctor omit the use of the medicine he so feelingly recommends. The following is an account of his own diet during the plague:—

"Before dinner I always drank a glass of sack to warm the stomach, refresh the spirits, and dissipate any beginning lodgement of the infection. I chose meat for my table that yielded an easie and generous nourishment, roasted before boiled, and pickles not only suitable to the meats but the nature of the distemper. (and, indeed, in this melancholy time the city greatly abounded with good things of that nature,) I seldom likewise rose from the table without drinking more wine. After this I had always many persons came for advice; and as soon as I could dispatch them, I again visited till eight or nine at night, and then concluded the evening at home by drinking to cheerfulness of my old favourite liquor, which encouraged sleep and an easie breathing through the pores all night. But if in the day-time I found the least approaches of the infection upon me, as by giddiness, loathing at stomach, and faintness, I immediately had recourse to a glass of this wine, which easily drove these beginning disorders away by transpiration."—*Ibid.* p. 225.

milk, and drink it mornings fasting, and it preserveth from infection.

A Posset Drink to remove the Plague from the Heart.

An ale posset drink, with pimpernel seethed in it, till it tastes strong of it, drink often, removes the infection, though it hath got to the very heart.

An approved Remedy against the Plague.

Take a sprig of rue, alias herb-of grace, and shred it, and put it in a fig or two, and eat it, every morning fasting. It keeps the body from infection, and purifieth the blood.

Remarks on the Life and Death of the famed Mr Blood; giving an Account of the Plot in Ireland to surprise Dublin Castle; several Transactions in his Head-quarters in the City; Rescue of Captain Mason at Doncaster; Attempt on the Person of his Grace the Duke of Ormond; seizing on the Crown and Scepter in the Tower; coming into Favour with his Prince; Concern about his Grace the Duke of Buckingham; Sickness, Death, and twice Interment. Published for Publick Information, 1680.

The reader has here the outlines of the life of a celebrated desperadoe. The following particulars may be added:—Thomas Blood's father was, according to some accounts, a blacksmith, but others say he was concerned in some iron-works in Ireland, by which he made a considerable property. It is certain that Blood was possessed either by purchase, or inheritance, of an estate in the barony of Dunboyne.

Sir,

I have endeavoured, as far as in me lies, to satisfy your curiosity in reference to that account which you were pleased to require of me, concerning the most memorable actions of Colonel Blood's life, a person who has given the world no small occasion of discourse; wherein, if I have not had the happiness punctually to answer your expectations, you must impute it to my justice, that would take nothing upon report and rumours, but only what was dictated to me from the mouths of one or two of his most intimate friends.

His birth was such as gave him those advantages that usually distinguish a man from the vulgar. For, though wit and parts, courage and strength, are not hereditary to the gentility, yet is it a great felicity to be born of such parents as are above those wants that deprive them of bestowing the benefits of education upon their children, and so far from the reproaches of poverty, that they are never spoken of in the world but with a decent and becoming character. Such were Mr Blood's parentage, serious, honest, and of no inferior credit and possessions in the country where they lived. Which made them take that care that their offspring should not degenerate from the virtues and repute of his ancestors, by forming and shaping his conditions according to the rules of a strict and sober education, which had that influence upon him, as to preserve him from those extravagances that usually attend upon metalled and active

spirits. Insomuch, that the great people of Ireland, who at that time sat at the helm of affairs, thought fit to put him into the commission of the peace before he was two and twenty years of age; a sign they had a good opinion of his early conduct of himself, who made him the judge and punisher of the vices and miscarriages of others. Nor did he fail their expectations; for all the while he was in that station, he won both esteem and favour of them who, at that time, were the chief rulers of the Irish nation, especially from Henry Cromwel, by whom he was looked upon as a person fit for employment and promotion. For, indeed, the main use which he made of his authority was to assert and uphold, as much as lay in his power, the protestant and English interest in that kingdom, in order whereunto he managed his zeal with that prudence which was then looked upon as a kind of wonder considering his years.

He married in England a young Lancashire gentlewoman, the daughter of one Mr Holcraft, by whom he had several children.

During his abode in England, then the stage of a bloody and rebellious war, he gave his prince all the assistance his personal valour was capable to afford him, wherein he performed several pieces of good service.

Much about that time Colonel Rainsborough was slain at Doncaster by a party of royalists that had made a sally out of Pontefract, then besieged by Sir Edward Rhodes and the county forces. This was done as the said colonel was in his inn, with all his myrmidons about him, upon the pretence of delivering him a letter from Cromwel. Their intention was only to have taken him prisoner, and have carried him through his own leaguer, which he refusing, they pistolled him in his chamber, and so departed. This being a bold and desperate adventure, Mr Blood was, by most people, adjudged the contriver and associate in the enterprize; but he having so frequently disowned the fact himself, it would be a crime to impute the honours of other men to a valour that has no need of those shifts.[1]

Upon the king's restoration, Mr Blood returns again for Ireland; but, being disgusted by some hard usage which he thought done him by the court of claims, who made no haste to restore him his land that had been taken from him, whereby he saw himself stripped of all, his wife and children sent a begging, and himself outlawed, he went to the Irish, Scots, and discontented English, who, being just ready to brake loose, and wanting a head, were not a little glad of his appearance, so that they not only very highly caressed him, but having a more than ordinary confidence in his conduct and prudence, they made him their general, and surrendered their obedience to him in all things. So that, now become a petty prince, he began to put his complaints into form and method, publickly to throw his declarations abroad, and to make his demands of redress, which not being answered according to their expectations, they pushed forward, believing there was no better way than to render themselves formidable, and by that means to draw their enemy to a good composition. In prosecution of which design they ran themselves into a plot for the surprise of Dublin castle; for which his brother-in-law, Mr Leckey, who was deep in the confederacy, being at length taken, was sentenced, and accordingly executed.

In this tragedy happened something of a comical disturbance. There was at that time to see the execution, which is common, a confluence of above two thousand people. At what time a rumour was spread among the people that Mr Blood was coming with a party to the rescue of his brother. The people no sooner heard this, but, as there is oft-times a vain and idle terror that possesses the mind of the silly multitude, consternated with some strange fury that threatened them, they all ran and dispersed themselves from the gibbet. Nay, the executioner himself left his station and took his

[1] See a particular account of this affair in the tracts during the reign of Charles I.—Blood's biographer disguises his serving as a lieutenant in the parliamentary forces.

flight, believing that he should be first aimed at, leaving the person that was to suffer in the dreadful posture of a person preparing for his untimely death, the rope about his neck, and nobody to do the office, so that, had any thing of resistance been made, the unfortunate gentleman's delivery had been easy.

This design was to have been put in execution the one and twentieth of May, the Duke of Ormond being first to have been seized. To which purpose diverse persons, with petitions in their hands, were to have waited in the castle, while about fourscore foot, in the disguise of handicraftmen, waited without, whose business it was to trifle about in expectation of an opportunity to surprise the guards. The plot being discovered, five hundred pounds a head were proffered for the apprehension of the ring-leaders.

Mr Blood being thereupon forced to fly for these things, made his escape into Holland, where, upon his continuance in those parts for some time, he became at length well known to that great and famous Admiral De Ruyter, who, though the greatest enemy the English had, in respect of his conduct and success, which many times put a stop to the current of their victories, yet had that generous kindness and love for a nation so long in a bloody competition with his country, that he could not chuse but frequently declare it to several, but more particularly to Mr Blood, whom he was pleased to admit often into his society, and honoured with an entertainment answerable to that respect and affection which he bore the nation of England.

To whom that great admiral was so kind as to give him an account of his own miraculous deliverance, which a friend of mine had from Mr Blood's own mouth; which was thus:

That renowned person De Ruyter, being born of mean parentage, the greatest part of his father's substance being two horses, with which he supplied the wants of his family by the usual labour of that country, which was about two miles distance from Bergenopzoom; it happened that both his father's horses were taken from him by certain troops of the Dutch army, and carried to their camp in Flanders. This loss being so considerable to De Ruyter's father, who thereby saw himself and his family totally ruined, he made haste after them to the camp, but, finding his addresses fruitless by the delays and neglect of the officers, he resolved upon a more speedy way of reparation, which was privately to regain his own from those that had robbed him by a more justifiable stealth: And, having discovered where his horses were, he watched his opportunity, secretly conveyed them away, and carried them to a place somewhat remote from his own house.

The soldiers missing their booty, and concluding the owner had them again, returned in the night with an intention to have taken them away a second time; but being disappointed, in revenge they set on fire the poor thatched cottage about the ears of the sleeping inhabitants.

In the horror of this surprise, while the awakened father, mother, and servant, endeavoured to save themselves by breaking through the flames, with that care of self-preservation which is common to all creatures, and which, at the same time, puts all the faculties of the memory and understanding into a strange confusion, the poor helpless infant, afterwards the glory and preserver of his country, lay void of succour in his swadling bands fast asleep in an up-room. But the mother, now free herself, remembering the danger of her only darling, with a masculine contempt of the threatening peril of the enterprise, and assisted by that high protection which saved the children in the fiery furnace, she threw herself through the compassionate flames into the house again, resolved to live or die with the only hopes and comfort of her life.

And so having broken through the smoke and flames into the upper room, she first threw the child out at a window into a sheet held by the father and the servant to receive his tender bones, and afterwards jumped out herself.

Thus saving from the flames the person that was designed, salamander-like, to spend the chiefest part of his days in fire and smoke. A remarkable story concerning that great person, for which we are beholding only to Mr Blood's converse with him, as being quite omitted, or else unknown to the author that published his life in Holland.

Returning out of Holland into England, he fell in with the Fifth-monarchy-men, resolving to venture all in the bottom of their interest. He found them to be a bold and daring sort of people like himself, and their principles so suiting with his discontents, that he judged them very proper for his management; for it was his maxim never to put his confidence in any that were not engaged either by principle, or interest, to his designs.

These people, it is well known, had laid a design, not confined to one quarter, but almost general all over England; it was said to be first contrived in the bishoprick of Durham, from whence the contagion spread itself into Yorkshire, Suffolk, and several other counties in the west of England, between all which places several correspondences were held, and agents employed under the binding obligations of oaths of secrecy. Their pretences were the opposal of excise, subsidies, &c. to re-establish a gospel magistracy and ministry, to restore the Long Parliament, and, lastly, to curb the gentry, clergy and lawyers.

Sometime before this at London sat a secret committee, of which Mr Blood was chief, to carry on some great design which he then had in his head (for I cannot learn that he was ever concerned in the plot more than for his friend, as you shall hear anon.) This committee, for their security, had always a private court of guard abroad, seldom less than thirty out a day. At this committee all orders were given out. all manner of intelligence was brought, examined, and all things sifted and debated in reference to their grand design.

But as there seldom happens any confederacy wherein there are not some false brethren, two of their gang, whether out of remorse, or for hopes of reward, had begun to make some discovery of this project at court But it happened that Mr Blood, who was always vigilant and active in his affairs, had got the wind of these two deserters, and was therefore resolved to prevent them if he could.

To which purpose, he appoints to meet the two persons, whom he had more than reason to suspect, at a certain tavern in the city, who were no sooner come according to their summons, but he took them both prisoners, and from thence carried them to a certain place of darkness, which they had found out and hired for their conveniency.

In this place Mr Blood very formally calls a court-martial of his own, and tries the two men for their lives, who, being before such judges, were soon found guilty, and sentenced to be shot to death within two days in the same place. When the time for execution came, they were both brought to the stake, and, being without any other hopes, were forced to prepare for death. But then, at the very point of despair, Mr Blood was so kind as to produce them a pardon. and so releasing and giving them their freedom, bid them go to their master and tell him what they had done, and withal, that they should request him, in the name of the confederates, to be as favourable to his soldiers when they fell under his mercy.

But it being impossible to hold out long in these mutinous courses of life, where nothing was acted but by the dictates of discontent, he betakes himself to a more safe and quiet way to get a livelyhood. To which purpose, he settled his wife and his eldest son in an apothecary's shop, where they lived by the names of Weston; while he himself turns doctor, by the name of Ayliff, and retiring to Rumford, practised physick there for a long time.

By this time the northern plot came to be fully discovered, wherein, as I said before, I cannot learn Mr Blood to have been any way concerned, but only in the rescue of his friend.

Upon the discovery of this conspiracy, several of the confederates were apprehended, tried, and executed. Among those that were apprehended, was one Capt. Mason, a person for whom Mr Blood had a particular affection and friendship. This person was to be removed from London, to one of the northern counties, in order to his trial at the assizes; and to that intent was sent down with eight of the duke's troop to guard him, being reckoned to be a person bold and courageous. Mr Blood having notice of this journey, resolves by the way to rescue his friend. The prisoner and his guard went away in the morning, and Mr Blood having made choice of three more of his acquaintance, set forward the same day at night without boots, upon small horses, and their pistols in their trousers to prevent suspicion. But opportunities are not so easily had, neither were all places convenient; so that the convoy and their prisoner were gone a good way beyond Newark before Mr Blood and his friends had any scent of the prisoner. At one place they set a centinel to watch his coming by; but whether it was out of fear, or that the person was tired with a tedious expectation, the centinel brought them no tidings either of the prisoner or his guard; insomuch, that Mr Blood and his companions began to think their friend so far before them upon the road, that it would be in vain to follow him.

And yet, not willing to give over an enterprize so generously undertaken, upon Mr Blood's encouragement they rode on, though despairing of success, until finding it grow toward evening, and meeting a convenient inn upon the road, in a small village not far from Doncaster, they resolved to lie there all night, and return for London the next morning. In that inn they had not sat long in a room next the street, condoling among themselves the ill success of a tedious journey, and the misfortune of their friend, before the convoy came thundering up to the door of the same inn with their prisoner; in regard that Captain Mason had made choice of that inn, as being best known to him, to give his guardians the refreshment of a dozen of drink. There Mr Blood, unseen, had a full view of his friend and the persons he had to deal with. He had bespoke a small supper, which was at the fire, so that he had but very little time for consultation, finding that Captain Mason's party did not intend to alight; so that he only gave general directions to his associates to follow his example in whatever they saw him do. In haste, therefore, they called for their horses, and threw down their money for the reckoning, telling the woman of the house, that, since they had met with such good company, they were resolved to go forward.

Captain Mason went off first upon a sorry beast, and with him the commander of the party and four more; the rest staid behind to make an end of their liquor; then away marched one more single, and in a very small time after the last two. By this time Mr Blood and one of his friends being horsed, followed the two that were hindmost, and soon overtook them. These four rode some little time together, Mr Blood on the right hand of the two soldiers, and his friend on the left. But upon a sudden, Mr Blood laid hold of the reins of the horse next him, while his friend, in observation of his directions, did the same on the other hand, and having presently by surprize dismounted the soldiers, pulled off the bridles, and sent the horses to pick their grass where they pleased. These two being thus made sure of, Mr Blood pursues his game, intending to have reached the single trooper. But he being got to the rest of his fellows, now reduced to six, and a barber of York that travelled in their company, Mr Blood made up, heads the whole party, and stops them. Of which some of the foremost looking upon him to be either drunk or mad, thought the rebuke of a switch to be a sufficient chastisement of such a rash presumption, which they exercised with more contempt than fury, until, by the rudeness of his compliments, he gave them to understand that he was not in jest, but in very good earnest. He was soon seconded by his friend that was with him in the first exploit. But there had been several rough blows dealt between the unequal number of six to two, before Mr Blood's two other

friends came in to assistance. Nay, I may safely say, seven to two. For the barber of York, whether out of his natural propensity to the sport, or that his pot-valiantness had made him so generous to help his fellow-travellers, would needs shew his valour at the beginning of the fray; but better he had been at the latter end of a feast; for though he shewed his prudence to take the stronger side, as guessed by the number, yet, because he would take no warning, which was often given him, not to put himself to the hazard of losing a ghittar finger, by meddling in a business that nothing concerned him, he lost his life, in regard they were forced to dispatch him in the first place, for giving them a needless trouble.

The barber being thus become a useless instrument, and the other of Mr Blood's friends being come up, the skirmish began to be very smart; the four assailants having singled out their champions as fairly and equally as they could. All this while Captain Mason being rode before upon his thirty shilling steed, wondering his guard came not with him, looked back, and observing a combustion, and that they were altogether by the ears, knew not what to think. He conjectured it at first to have been some intrigue upon him, as if the troopers had a design to tempt him to an escape, which might afterwards prove more to his prejudice; just like cats, that, with a regardless scorn, seem to give the distressed mouse all the liberty in the world to get away out of their paws, but soon recover their prey again at one jump. Thereupon, unwilling to undergo the hazard of such a tryal, he comes back, at what time Mr Blood cried out to him, Horse, horse, quickly! An alarm so amazing at first, that he could not believe it to be his friend's voice when he heard it; but as the thoughts of military men are soon summoned together, and never hold Spanish councils, the captain presently settled his resolution, mounts the next horse that wanted a rider, and puts in for a share of his own self-preservation. In this bloody conflict Mr Blood was three times unhorsed, occasioned by his forgetfulness, as having omitted to new girt his saddle, which the ostler had unloosened upon the wading his horse, at his first coming into the inn. Being then so often dismounted, and not knowing the reason, which the occasion would not give him leave to consider, he resolved to fight it out on foot. Of which two of the soldiers taking the advantage, singled him out, and drove him into a court-yard, where he made a stand with a full body, his sword in one hand and his pistol in the other. One of the soldiers taking that advantage of his open body, shot him near the shoulder blade of his pistol-arm, at what time he had near four other bullets in his body that he had received before. Which the soldier observing, flung his discharged pistol at him, with that good aim and violence, that he hit him a stunning blow just under the forehead, upon the upper part of the nose between the eyes, which for the present so amazed him that he gave himself over for a dead man. Yet resolving, like a true cock of the game, to give one sparring blow before he expired, such is the strange provocation and success of despair, with one vigorous stroke of his sword, he brought his adversary with a vengeance from his horse, and laid in a far worse condition than himself at his horse's feet.

At what time, full of anger and revenge, he was just going to make an end of his conquest by giving him the fatal stab; but in that very nick of time Captain Mason having, with the help of his friends, done his business, where they had fought, by the death of some, and the disabling others that opposed them, came in and bid him hold, and spare the life of one that had been the civilest person to him upon the road,—a fortunate piece of kindness in the one, and of gratitude in the other. Which Mr Blood easily condescending to, by the joint assistance of the captain, the other soldier was soon mastered, and the victory, after a sharp fight that lasted about two hours, was at length compleated.

You may be sure the fight was well maintained on both sides, while two of the soldiers, besides the barber, were slain upon the place, three unhorsed, and the rest wound-

ed. And it was observable, that though the encounter happened in a village where a great number of people were spectators of the combat, yet none would adventure the rescue of either party, as not knowing which was in the wrong, or which in the right, and were therefore wary of being arbitrators in such a desperate contest, where they saw the reward of assistance to be nothing but present death. After the combat was over, Mr Blood and his friends divided themselves, and parted several ways.

And it was Mr Blood's misfortune to ride all that night, and lose his way, nothing but blood and gore all over from top to toe, before he could get to his friend's house, whither he designed, and have the assistance of a surgeon, which he there obtained. The rest got safe in some few days to their several sanctuaries.

However, such was the occasion of their departure, and the necessity of their parting without compliments, that several weeks were past before they united again, or knew what became of one another. Such a coherence there is between the departures of death itself, and those occasioned by the fear of death.

So soon as this remarkable skirmish was over, Mr Blood lay close for a while, there being no less than three hundred pounds set upon his head, for a reward to any person that should apprehend him. To which purpose, believing he could be no where so safe as under the disguise of a doctor, he returned again to his old sanctuary at Rumford, and there fell again to his former practice of physick.[1]

But whether his active spirit were impatient of this quiet, or that the temptations of opportunities engaged him to new enterprizes, he seemed now desirous to repair the damage of his lost estate, believing that they who either detained, or had disposed of his right, (and certain it is he assumed to himself both right and title) ought to make him satisfaction.

To this purpose, after several consultations and deliberations with himself, Mr Blood comes to town, and having mustered to his assistance about five or six persons more, in whose resolution and secrecy he could confide, it was resolved at length, that the person of the Duke of Ormond, then living at Clarendon-house, at the upper end of the street leading from St James's palace, should be seized, designing to make those advantages of his person which they had before concluded upon.

This enterprize being resolved, Mr Blood, with five more of his trusty gang, being well armed and mounted, having set the duke's coach upon the sixth of December, in the year 1670, at night, and finding he was to pass from St James's through the long street to Clarendon-house with a very small attendance, they soon secured the flambeaux and lackies that carried them, and having stopped the coach, and made sure of the driver, they forced the duke out of his coach, and set him behind one of the company, who was not then to enquire what he was to do with a purchase of that value, having received his orders before to ride through thick and thin with him, till he got to the place appointed, where they would not be long absent from him to have made better and more secure provision for his farther and more private conveyance.

An attempt which might perhaps have succeeded, had it been made upon a person whose courage and valour were not so easy to be quelled; but those virtues meeting in the duke with a strength proportionable, the stout resistance which he made, and the struggling with his assaulters, gave them no small trouble, and the duke the leisure to have the news of the attempt carried to his house, which soon brought the porter at the gate to his assistance. The assailants made away for Fulham-ferry, where they got over, and conveyed themselves to their places of refuge where they lay concealed, though great rewards were proffered for their apprehension, and a thousand

[1] It is said by the historian Carte, that this adventurous ruffian mixed for a time with the insurgents in Scotland, and was present at the battle of Pentland Hills.

pound particularly set upon Mr Blood's head, which took no effect, till his next attempt discovered him.[1]

Thus had Mr Blood attempted several ways to repair the losses which he supposed himself to have sustained, either from the neglect or permission of that authority which he thought was concerned to make him satisfaction. One project yet remained, which he was certain would either make or marr him. If he escaped, he thought himself made; if he failed in the attempt, he knew the enterprize would make such a noise in the world, that he was sure to be another Herostratus, and to live in story for the strangeness, if not the success, of his attempts, and to make himself whole by the spoils of the English crown, which, though it lay in a safe place, the Tower, he was resolved to fetch from its sanctuary.

Having therefore resolved upon the fact, the ways of accomplishing the design were duly consulted: and, because such enterprizes are not to be carried on without accomplices, he made choice of three or four more, who he knew would not flinch from him.

As for his own part, he put himself into the habit of a doctor of divinity, with a little band, a long false beard, a cap with ears, and all those other formalities of garb belonging to that degree, except the gown, rather choosing to make use of a cloak, as being most proper for his purpose.

Under this disguise he made it his business to get acquainted with the keeper of the regalia, an old man; he brought several persons to see the regalia, who were no unprofitable guests.

He treated and caressed the keeper at a rate not so much expensive as kind and obliging, by which means he had created such a familiarity and intimacy with the old man, that he took the doctor to be no wolf in sheep's clothing, but one of his greatest friends; insomuch that the old man having a son, and the doctor pretending to have a daughter,

[1] "The clearest account that we have any where of this surprising transaction is given us by Mr Carte[1] to this effect:—The Prince of Orange came this year into England, and being invited on December 6th to an entertainment in the city of London, his grace attended him thither. As he was returning homewards in a dark night, and going up St James's street, at the end of which, facing the palace, stood Clarendon-house, where he then lived, he was attacked by Blood and five of his accomplices. The duke always used to go attended by six footmen; but, as they were too heavy a load to ride upon a coach, he always had iron spikes behind it to keep them from getting up, and continued this practice to his dying day, even after this attempt of assassination. These footmen used to walk on both sides of the street over against the coach; but, by some contrivance or other, they were all stopped and out of the way, when the duke was taken out of the coach by Blood and his son, and mounted on horseback behind one of the horsemen in his company. The coachman drove on to Clarendon-house, and told the porter the duke had been seized by two men, who had carried him down Piccadilly. The porter immediately ran that way, and Mr James Clark chancing to be at that time in the court of the house, followed with all possible haste, having first alarmed the family, and ordered the servants to come after him as fast as they could. Blood, it seems, either to gratify the humour of his patron, who had set him upon this work, or to glut his own revenge by putting his grace to the same ignominious death which his accomplices in the treasonable design upon Dublin castle had suffered, had taken a strong fancy in his head to hang the duke at Tyburn. Nothing could have saved his grace's life but that extravagant imagination and passion of the villain, who, leaving the duke mounted and buckled to one of his comrades, rode on before, and (as is said) actually tied a rope to the gallows and then rode back to see what was become of his accomplices, whom he met riding off in a great hurry. The horseman to whom the duke was tied was a person of great strength; but, being embarrassed by his grace's struggling, could not advance as fast as he desired. He was, however, got a good way beyond Berkeley (now Devonshire) house, towards Knightsbridge, when the duke, having got his foot under the man's, unhorsed him, and they both fell down together in the mud, where they were struggling when the porter and Mr Clark came up. The villain then disengaged himself, and seeing the neighbourhood alarmed, and numbers of people running towards them, got on horseback; and having, with one of his comrades, fired their pistols at the duke, (but missed him, as taking their aim in the dark and in a hurry,) rode off as fast as they could to save themselves. The duke (now sixty years of age,) was quite spent with struggling, so that when Mr Clark and the porter came up, they knew him rather by feeling his star than by any sound he could utter; and they were forced to convey him home and lay him on a bed to recover his spirits. He received some wounds and bruises in the struggle, which confined him within doors for some days."

[1] Life of the Duke of Ormond, vol. ii. p. 421.

the two parents were upon concluding a match between the young people, which had proceeded so far that the doctor and keeper gave each other the appellation of brother.

The day before the fact was to be done, the doctor came and informed the old man, that he had some friends to go out of town the next morning, to whom he had promised a sight of the regalia that were in his custody, and desired he might have the kindness to gratify their curiosity, though perhaps the time might be not so seasonable, as being a little too early.

The next morning the doctor and two more, having prepared their conveniences of a wallet and a wooden mallet, went directly to the old man's house where the regalia lay, leaving one of their companions to hold their horses, that staid for them at the Iron Gate.

The old man no sooner saw his new brother the doctor and his friends, but he was ready to shew them the civility which the doctor had requested the day before, and accordingly opened the doors where the treasure lay.

It seems it is the custom of the keeper of the regalia, when he exposes them to publick view, to lock himself within a kind of grate, or door, with open bars, to the end those things of high value may be seen, but not soiled, by the touch of so many people as daily came to see those precious ornaments.

But the doctor and his companions were too quick for the old man, and followed him so close at the heels, that he had no sooner opened the door, but they were likewise in with him. Presently they seized the old man, for whom, though he struggled much to preserve his reputation and the charge he had, it was in vain to make a long resistance, for they had soon put him beyond making a noise, as having received several unkind knocks with the wooden mallet.

One of the company was for killing the old man outright, but his brother the doctor would not permit so great a piece of barbarism, as being under a disguise that would have rendered the fact doubly heinous, had he added murther to robbery under the notion of an ecclesiastical person.

Having thus got possession of their purchase, they made flat the bows of the crown, to make it more portable; and so, having conveyed it into their wallet, together with the scepter and dove, they began to set forward.

But, just in the nick of their departure, a son of the old man's, who had not been in England in ten years before, (so strange a providence attends the discovery of great crimes,) coming to the house to see his father, and making enquiry where he was, was told he was in the treasury, shewing the regalia to some friends.

Thereupon, out of a zealous impatience of filial duty to cast himself at his father's knees, he flew to the place, where he was soon surprised with a sight not more unexpected and amazing, than sad and dreadful to behold, his father weltering in his blood, and the royal treasury robbed.

It was no time then to make unnecessary lamentations, which would have given the criminals liberty to have escaped; and therefore, with a prompt and ready courage, knowing the persons again by their habits as they went out, he presently pursued them; put the centinels and other soldiers upon their duty by his outcries, so that although the doctor and his friends made all the resistance they could, as it behoved them, yet all the resistance they could make was in vain in such a place as that, for both the doctor and his accomplices were all taken, but he that held the horses, who fled upon the rumour; and the regalia were all recovered again, all bruised and battered, yet without the loss of one stone, unless it were one which was afterwards found by a poor cinder-woman, and restored to the keeper, or those appointed in his stead.

This fact, being made known among the people, and aggravated with the murther of the keeper, as it was then reported, made a great noise about the town, so that Mr

Blood had received several sentences before the particulars of the crime were fully examined.

But the people, not being the proper judges of the crime, Mr Blood, upon his apprehension, was carried before his majesty himself, by whom he was examined with a lenity and moderation not to be paralleled.'

' "The best account of this affair is that of Edwards, given to Sir Gilbert Talbot, to this effect:—About three weeks before Blood made his attempt upon the crown, he came to the Tower in the habit of a clergyman, with a long cloak, cassock, and canonical girdle, and brought a woman with him, which he called his wife, though his wife was then sick in Lancashire. This pretended wife desired to see the crown, and, having seen it, pretended to have a qualm upon her stomach, and desired the keeper of the crown, old Mr Edwards, to send for some spirits, who immediately caused his wife to fetch some. When she had drank, Mrs Edwards invited her to repose herself upon a bed, which she accepted of, and soon recovered. At their departure they declared themselves very thankful for this respect. About three days after Blood came again to Mr Edwards, with a present of four pair of fine new gloves for his wife; and having thus begun the acquaintance, made frequent visits to improve it, professing that he should never sufficiently acknowledge their kindness. Having made some small respite of compliments, he returned again, and told Mrs Edwards that his wife could discourse of nothing but of the kindness of the good people in the Tower; that she had long studied, and at length bethought herself of a handsome way of requital. 'You have,' said he, 'a pretty gentlewoman to your daughter, and I have a young nephew, who has two or three hundred a year in land, and is at my disposal; if your daughter is free, and you approve of it, I will bring him hither to see her, and we will endeavour to make it a match.' This was easily assented to by old Mr Edwards, who invited the pretended parson to dine with him that day, and he as readily accepted the invitation, who, taking upon him to say grace, performed it with singular devotion and lifting up of eyes; and also concluded his long-winded blessing with a hearty prayer for the king, queen, and royal family. After dinner he went to see the rooms, and discovering a handsome case of pistols there, he expressed a great desire to buy them, to present to a young lord, who was his neighbour, probably to disarm the house against the time he intended to put his design in execution. At his departure, which was with a canonical benediction of the good company, he appointed a day and hour to bring his young nephew to his mistress, which was that very day that he made his bold attempt, the 9th of May, about seven in the morning.

"At that time the old man was got up, ready to receive his guests, and the daughter had put herself into her best dress, to receive her gallant, when, according to appointment, parson Blood, with three more, came to the jewel-house, all armed with rapier-blades in their canes, and every one a dagger and a pair of pocket-pistols. Two of his companions entered in with him, and the third staid at the door for a careful watch. The daughter thought it not modest for her to come down till she was called, but sent her maid to take a view of the company, and to bring her a description of the person of her gallant. The maid imagined that he who staid at the door was the intended bridegroom, because he was the youngest in the company; and returned to her young mistress with the character she had formed of his person. In the interim, Blood told Mr Edwards that they would not go up stairs till his wife came, and desired him to shew his friends the crown, to pass away the time till then. As soon as they were entered the room where the crown was kept, and the door, as usual, was shut behind them, they threw a cloak over the old man's head, and clapped a gag into his mouth, which was a great plug of wood, with a small hole to take breath, that was tied with a waxed leather, which went round his neck. At the same time they fastened an iron hook to his nose, that no sound might pass from him that way. Having thus secured him from crying out, they plainly told him that they were resolved to have the crown, globe, and sceptre; and if he would quietly submit to it, they would spare his life, otherwise he must expect no mercy. He thereupon forced himself to make all the noise he possibly could to be heard above, upon which they knocked him down with a wooden mallet, and told him if he would be quiet they would spare his life; but if not, upon the next attempt to discover them, they would kill him, and pointed three daggers at his breast. Still he strained himself to make greater noise, at which they gave him nine or ten more strokes upon the head with the mallet, and stabbed him in the belly. The poor man, almost fourscore years old, fell, and lay for some time entranced, when one of them kneeling on the ground to try if he breathed, and not perceiving any breath from him, said, 'He's dead, I'll warrant him.' Mr Edwards, recovering a little, heard his words, and conceiving it best for himself to be so thought, lay very quietly. Concluding him dead, they omitted to tie his hands behind him; and Parret, one of the companions, put the globe into his breeches; Blood kept the crown under his cloak; the third was designed to file the sceptre in two, because too long to carry conveniently, and then put it into a bag brought for the purpose. But before this could be done, young Mr Edwards, son of the old gentleman, just come from Flanders, chanced to arrive at that very instant that this was acting, and coming to the door, the person who stood centinel for the rest, asked him with whom he would speak; he made answer he belonged to the house; but perceiving by his question that he himself was a stranger, told him that if he had any business with his father he would go and acquaint him with it, and went up stairs, where he was welcomed by his mother, wife, and sister. In the meantime the centinel gave notice of the son's arrival, and they immediately hasted away with the crown and globe, but left thesceptre, not having time to file it. The old man, returning to himself, got suddenly up, pulled off the gag, and cried out, 'Treason, murder!' The daughter, hearing him, ran down, and seeing her father thus wounded, rushed out upon the Tower-hill, and cried 'Treason! the crown

It was in vain to deny a fact so easy to be proved upon him; and therefore he thought it more convenient, and more suitable with his condition, to appear with a resolution, which perhaps would much better have become a nobler act.

As the passages of his examination were known but to few, so they have been but to as few communicated.

But it is to be presumed that a man of his daring and adventurous courage was not wanting to himself in the justification, as far as lay in his power, of the offence which he had committed. No question but that he made a full declaration of the wrongs, injuries, and losses which he had sustained, (and men in such cases will pretend to be the most proper judges of their own causes,) and the disgraces and disappointments he had met with in Ireland.

However it were, his majesty was graciously pleased to make him a proposition, that could not choose but be welcome to a person under his circumstances, by asking him this single question, What if he should grant him his life? To which Mr Blood is said to have replied, That he should endeavour to deserve it.[1]

is stolen!' This gave the first alarm; and Blood and Parret, making great haste, were observed to jog each other with their elbows as they went, which caused them to be suspected and pursued. By this time young Edwards and one Captain Beckman, upon the cry of their sister, were come down, and left their father likewise to run after the villains; but they were advanced beyond the main-guard; and the alarm being given to the warder at the draw-bridge, he put himself in a posture to stop them. Blood came up first, and discharged a pistol at him; the bullet missed him, but the powder, or fear, made him fall to the ground, whereby they got safe to the little ward-house gate, where one Sill, one of Cromwell's soldiers, stood centinel, who, though he saw the other warder shot, made no resistance, by which means the villains got over that draw-bridge, and through the outward gate, upon the wharf, and made all possible haste towards their horses, which attended at St Catharine's-gate, called the Iron-gate, crying themselves as they ran, 'Stop the rogues!' and the grave canonical habit made them thought innocent. Immediately after Captain Beckman got up to them, at which Blood discharged his second pistol at the captain's head; but he, stooping down, avoided the shot, and seized upon him with the crown under his cloak. Yet Blood had the impudence, though he saw himself a prisoner, to struggle a long while for the crown; and when it was wrested from him, he said, 'It was a gallant attempt, though unsuccessful, for it was for a crown.' A servant belonging to Captain Sherborne seized upon Parret before Blood was taken; and there was so much consternation amongst all men, and so much confusion in the pursuit, that it was a miracle that several innocent persons had not suffered; for young Edwards, overtaking one that was bloody in the scuffle, and supposing him to be one of his father's murderers, was going to run him through, had not Captain Beckman hindered him: and as this captain himself made vast haste in the pursuit, the guards were going to fire at him, thinking him to be one of the rogues; but one of them, who fortunately knew him, cried out, 'He is a friend!' Blood and Parret being both seized, Hunt, another of them, and son-in-law to Blood, leaped to horse, with two more of the conspirators, and rode fast away; but a cart in the street chanced to turn short; Hunt run his head against a pole that stuck out, which made him fall astonished from his horse; but recovering his legs, and putting his feet in the stirrup, a cobler running in, cried, 'This is Tom Hunt, who was in the bloody business against the Duke of Ormond; let us secure him!' A constable being accidentally there, seized him upon this affirmation, and he was, with Blood and Parret, committed to safe custody in the Tower. Parret was a silk-dyer in the borough of Southwark; and in the rebellion had been lieutenant to General Harrison. In the struggle for the crown, the great pearl and fair diamond fell off, and were lost for a while, with some other smaller stones; but the pearl was brought by a poor sweeping-woman to one of the warders, and the diamond by a barber's apprentice, and both faithfully restored. Other small stones were picked up by several persons, and brought in. The fair ballas ruby, belonging to the sceptre, was found in Parret's pocket, so that nothing considerable was wanting; the crown only was bruised, and sent to be repaired."—*Biogr. Brit. II.* 366.

[1] The mystery of Blood's pardon may be perhaps cleared up by attending to his connection with the witty and profligate Duke of Buckingham, then in administration and favour. They were so intimate, that the gallant Earl of Ossory charged Buckingham with being the promoter of Blood's attempt upon his father, the Duke of Ormond, and vowed that if any similar design should take effect, he would pistol Buckingham were he behind the king's chair. It would be easy for a man of Buckingham's character, always engaged in daring and dangerous schemes, to persuade Charles that Blood's services might be useful: and we may observe, that the favour of this ruffian declined so soon as Buckingham was displaced and went into opposition, as is plain from Blood's shortly after appearing as a witness in the popish plot. He published a narrative, according to the fashion of the times, of which North observes,—"Nay, there was another sham-plot of one Netterville, which allied itself to Dangerfield, by the pretence of steering the popish plot upon the presbyterians. And here the good Colonel Blood, (that stole the Duke of Ormond, and, if a timely rescue had not come in, had hanged him at Tyburn, and after-

How or which way that could be is a secret, which it cannot be expected should be here discovered, but the consequences of the whole proceeding, which were his pardon, not only for himself and his followers, or rather assistants and accomplices, together with his re-admission into his majesty's favour, were assured signs that he had given that satisfaction, which, if they that received it were willing to accept, no person else had reason to misdoubt.

This is evident, that soon after Desborough, Kelsey, and others appeared publickly about the town, coming over from Holland, and surrendering themselves to his majesty, which, by whom ever procured, might be thought a good piece of service at that time, when the two nations of England and Holland being embroiled in open wars, the conduct and advice of such persons might have been of no small prejudice to us and advantage to the enemy.

However, it was publickly taken notice of, that Mr Blood was daily with the said persons at the same time, at Mr White's Coffee-House, behind the Royal Exchange, where they met in a room by themselves: so well and smoothly did Mr Blood, both then and since, behave himself among those that are called the Dissenting Party.

But as ingratitude is a vice that reigns among all sorts of religions, and all the varieties of opinions, it is not without good presumptions thought that those very people, that in some measure may be said to have owed their lives to his painful endeavours, have since been so unkind as to prove altogether off their duly merited acknowledgments.

What is to be said as to his late troubles, there is little but what is already in print, or the common town-talk.

He says, or else it is said for him, that he was desired by the woman that keeps the St John's-Head, or Heaven-Tavern, to come and speak with her at such a time.

That, upon his coming to her, she told him that two shabby fellows had been with her sometime before, to tell her that they had something of great consequence, in reference to the welfare of the publick, to reveal, but that they wanted a discreet person to manage it.

That thereupon Mr Blood made answer, that if there were any thing fit to be taken notice of, he would bring them to those that had sufficient authority to take notice of it, and thereupon promised to meet the persons.

That upon his second coming to speak with the discoverers, they refused to speak with him; for that, understanding he was the person with whom they were to discourse, they averred they would have nothing to do with him, for that he was the Duke of Buckingham's friend.

That thereupon the woman of the house, that Mr Blood might see she had not told him a lye, persuaded one of the persons to shew himself to Mr Blood.

Who, to that purpose, as he passed by, stepped into the room where Mr Blood was, and going in, told that he and his fellows had business of great concernment to discover, but could not then by reason of another appointment, and so concluded upon another day.

That Mrs Bradley upon this came to him to his house, and told him she believed the fellows were rogues and trapans, and advised him to seize them, and carry them before a magistrate.

That Mr Blood, weighing the consequence of the woman's advice, and being informed by her of their lodgings, according to the directions of one Mr Curtis, went to

wards stole the crown, though he was not so happy to carry it off,) no player at small games, he, even he, the virtuous colonel, as this sham-plot says, was to have been destroyed by the papists. It seems these papists would let no eminent protestant be safe. But some amends were made the colonel, by the sale of the Narrative, licensed Tho. Blood. It had been strange if so much mischief had been stirring, and he not come in for a smack."—North's *Examen*, p. 311.

Dr Chamberlain, one of the justices of the peace for the county of Middlesex, and told him the story, who thereupon not only gave Mr. Blood his warrant, but accompanied him till the execution of his warrant.

That two persons were by him apprehended, by the names of Philemon Codan and Samuel Ryther.

That, upon their apprehension and first examination severally, before Dr Chamberlain, they seemed to wonder what he meant when he told them he heard they knew of a plot, and wanted a magistrate to reveal it to.

That thereupon the justice of the peace told them all that Mr Blood had told him concerning their discourse with Mrs Bradley, and their appointment of meeting Mr Blood.

That to this one of them, viz. Codan, replied, that it was about the Duke of Buckingham, who, he said, owed them several hundreds of pounds upon an account of wages, and that they wanted some body that was able to cope with him; to whom one Curtis, standing by, replied in these words:

"How! did not I hear you say, at such a place, that you knew of a greater plot yet undiscovered than either Mr Oates or Mr Bedloe had hitherto made out?" To which the said Codan gave no satisfactory answer; and Ryther protested he knew nothing of a plot, or any thing like it.

That to all this the doctor urged, that it was not to be that any discreet person should be so overseen as to interpose between master and servant about wages, especially so great a person as the duke was, and therefore that could not be the reason of their meeting at Heaven.

That thereupon one of them, starting up in a violent passion before the justice of the peace, swore that he would be revenged upon the Duke of Buckingham; and that he would swear any thing that could tend to the doing him a prejudice, and that he himself would swear sodomy against him.

That upon this the justice of the peace, having told them that he neither did believe nor would hear any thing relating to the duke, asked them jointly, what was the reason they ran away at the sight of Mr Blood, at Mrs Bradley's? To which they replied, that they were mistrustful of him, because they had heard he was the duke's friend.

That thereupon Dr Chamberlain, taking them for impertinent fellows, dismissed them, with directions to consider what they had said, and to attend him at such a time at his house, where he would be ready to hear whatever they had to discover concerning any plot.

That accordingly they came with one Whitaker and Jenks, where Mr Blood likewise attended. At what time Dr Chamberlain asking them the meaning of their former shuffling stories, they replied, they had a farther design to carry on for the good of the public, but would come to no particulars; whereupon Dr Chamberlain dismissed them.

That soon after, Sir W. W. sent for Mr Blood to a tavern in Westminster, whither when he came, he found Ryther, Codan, Whitaker, and Jenks, in Sir William's company; and, what more surprised him, he found Ryther and Codan in a genteel equipage and alamode accoutrements, whom he looked upon before as very mean fellows.

That presently then Sir William told him he was very much troubled for the premunire he had brought himself into, for that Ryther and Codan were come to depose upon oath, that he had attempted several times to corrupt them with money and other rewards, to swear sodomy against the Duke of Buckingham.[1]

[1] From this blind and inexplicable story, which is told in Mr Blood's own way, it is absolutely impossible to discover whether he was himself the manager of the accusation against Buckingham, or whether he was counterplottedby the tiep anners whom he here mentions. At any rate, Buckingham seems to have resolved to quash

That, upon Mr Blood's making strange of it, Codan started up and confirmed the same.

That thereupon Mr Blood asked them how they could be so impudent as to invent such a thing against him whom they had never seen but once at Heaven, and another time with Dr Chamberlain?

That thereupon Mr Whitaker and Mr Jenks stood up, and bid Mr Blood be honest and just and confess. To whom Mr Blood replied, You that have been these two years last employed to asperse me, could you find no better invention than this?

That after this, Mr Blood directing his discourse to Sir William Waller, desired of him to know the meaning of the whole story, which was a thing so unknown to himself. Upon which Mr Whitaker and Mr Jenks jointly affirmed Codan and Ryther to be honest men, and pressed Sir William for justice.

That thereupon Sir William desired Mr Blood very civilly to put in bail; to which Mr Blood replied, that he would consider of it, and so for that time went about his occasions.

That the next morning he went to Sir William's house for a copy of his mittimus, which at length was granted him.

That the next day he was met by a constable, who told him he had a warrant against him from Sir William Waller, mistaking a mittimus for a warrant, and thereupon he went away with the constable to a tavern, where he continued under restraint of the constable several hours.

That while he was under custody, Sir William, apprehensive of some mistake, as is pretended, sent one of the witnesses to the constable to know how he had disposed of Mr Blood, and whether he had carried him to prison; who made answer, that he had not sufficient authority for so doing, and that Mr Blood might bring him into trouble for so doing, as not having been carried before a justice of peace, as he ought to have been first of all.

That thereupon the witness went back to Sir William, and not long after returned to the constable, and brought him a warrant to seize Mr Blood, and for want of bail to carry him to the Gatehouse.

That upon that warrant, Mr Blood gave in bail before Sir William Poultney to answer the accusation.

Upon which accusation, Mr Blood with the rest were found guilty.

The verdict being given in against them, his grace the Duke of Buckingham lays a great action of *scandalum magnatum* against Mr Blood, whereby he was forced for refuge to the King's Bench, where I will leave him until the next term, at which time I shall be farther capacitated to enlarge upon this subject; and whereas at this time I have acquainted you of things concerning this business only by report, I shall endeavour to become a more near inspector myself as to what may ensue upon the whole, that in all things I may approve myself,

Sir,

Yours ready to be commanded,

R. H.

the information at Blood's expence. It may be observed, that his grace was not above suspicion as to the abominations here mentioned. An epigram upon his loss of favour, in 1674, runs thus:

"When great men fall, great griefs arise
In one, two, three, four families;
When this man fell there was great sorrow
In Rome, Geneva, Sodom, and Gomorrah."

Postscript.

Sir,

I make no doubt but as the foregoing account of the most remarkable passages of the life of Mr Blood did in some measure satisfy your curiosity, so likewise, by what I promised in the conclusion, it left you in expectation of more; and indeed I resolved to have made what use I could both of my own friend's acquaintance with him, to have procured a true information of many other material, though minuter occurrences of so singular a life, which no man but the person himself was able to give with the true light of those circumstances that made them, as to him, observable, who seldom or never set about any thing which was not inspired by somewhat above the common principles of conduct: but the last term of human life has prevented the term wherein (as I told you) I hoped to have been capacitated to give you a larger account of that subject, and the death of that noted man confines now my relation to what preceded and was subsequent to his end.

I left him in the King's Bench, into which he had turned himself over by a habeas corpus from the Gatehouse; but his stay was not long there, for, having given security for his imprisonment, he returned to his own house in the Bowling-Alley, in Westminster, not far from the house of Sir William Waller. When he was thus retired unto the quiet recess of his own private habitation, he began with more than ordinary concern to reflect upon his condition, both as to his personal reputation and the interest of his family; the one he saw extremely blasted, not through any injustice of the court, but (as he still affirmed) the malice of enemies; and the other in a probable way of ruin, partly by disappointments from debtors, especially when he stood most in need of his own, and partly by that heavy and crushing action of ten thousand pounds, which his Grace the Duke of Buckingham thought fit to lay upon him, for his having laid a scandal on a peer of his grace's quality.

These dismal thoughts, assaulting a man of his high spirit, (that, by the circumstances he was in then, found no probability of getting out of the mire by his former methods of contriving and daring, but perceiving himself in a manner manacled at this time, whereas, in all the other exigencies of his life, he had constantly trusted to his hands and action,) brought upon him a pensive passion of melancholy, the usual rock on which great and aspiring spirits at last split; and the sickly season of the year having fitted his body for the impressions of a discontented mind, he fell sick of a fatal, though no violent distemper.

His sickness lasted fourteen days, during which he was often visited by some of my acquaintance, and particularly by a minister that went to administer to him what spiritual assistance he found him capable of. This person acquainted me, that he found him apparently in a sedate temper of mind as to the concerns of his soul, nothing startled at the apprehensions of approaching death; that he told him he had set his thoughts in order, and was ready and willing to obey, when it pleased God to give him the last call; but that he desired not to spend much time in discourse, as being neither suitable to his condition nor humour: and indeed, for the remaining time of his sickness, (except in ordering his domestick affairs,) he seemed unwilling to be engaged in any conference, but continued in bed, like one who suffered more under the discipline of a discontented heart than the violence of any bodily distemper, which many times appeared by those unvoluntary sighs, that, in the intervals betwixt his frequent slumbers, he was observed to fetch. On Monday before his death he was taken speechless, and continued so, in a kind of lethargy, without much motion or action, unless a drowsy heaving and fetching for breath, until Wednesday, the 24th of August, about three o'clock in the afternoon, at which time he expired.

It hath been given out by some, (according to the manner of this censorious age,) that he made use of some narcotick and stupifying medicines, either to hasten or facilitate his death; and they would ground their presumptions (for evidence have they none) upon his drowsiness and insensibility during the last days of his sickness. From what cause that torpor proceeded is the province of physicians to determine; but that every one who dies in that manner must have had recourse to art, I think none dare affirm; and therefore no man ought, on partial conjectures, to judge rashly of one who had the courage not to despair in the worst circumstances of life, and far less should be thought to do it on a death-bed of no painful sickness.

An arrow out of the same quiver, is another malicious report, that he died a papist; but it would be needless to produce the testimonies of persons beyond exception who were constantly with him in his sickness, to refute this aspersion, since the education, past life, and interest of Colonel Blood at this time may be sufficient to convince all candid and unprejudiced men that this surmise is but a calumny raised by those enemies of his, who would willingly have had him worse than they could make him.

On Friday after his death he was decently interred in the new chapel by Tothill-Fields, near the place where his wife lies buried, in hopes of a more joyful resurrection than his body soon after met with; for a rumour that came abroad, that some persons had seen Mr Blood alive, and that the report of his sickness, death, and ceremonial of his burial was but a farce and piece of pageantry to carry on some design, his body was on Thursday after disinterred, and the coroner, with his jury, appointed to sit upon and take cognizance of the same. The coroner accordingly, with his jury, who were all, or most of them, supposed to have known the colonel, met and viewed the body, but found his face so altered and swollen in those six days it had lodged in the earth, and so few lineaments and features of their old acquaintance, that they could not agree on their verdict; and though a captain that was present, and an intimate acquaintance of the deceased colonel, shewed them his thumb, which, by some accident he had received in his life-time, had grown to a prodigious bigness, and was taken notice of by all that kept him company, yet the jury, not thinking it so easy to discover Colonel Blood by his thumb as it was of old to know Hercules by his foot, demurred upon it, and, for what I can hear, have not as yet given in their verdict.

It is not very strange that lifeless flesh and blood, hastening to return to the dust from whence it was taken, and ready to dissolve into putrefaction, should in six or seven days be disfigured beyond kenning; but it is somewhat extraordinary that such a person as Mr Blood, who in all the changes of a restless life never wanted a competent subsistence for himself and family, should at last, after he had weathered the greatest storms of adversity, made many friends, recovered the favour of his prince, settled himself and family in a neat and splendid habitation, and had money abroad in the world,—that such a one, I say, should die, and have so inconsiderable a cash by him that it would be thought too small a *viaticum* for a forty miles journey; and yet this, through disappointments, was his case, which, without doubt, added no small weight to the other pressures of mind that first sunk, and at last broke that great heart which had often despised the danger of many astonishing and bold attempts in the course of a very singular and remarkable life of fifty-three years duration.

Characters of men, sir, are best drawn from their actions, and I should be bold to give a judgment of this person, after that you have a candid relation of the greatest atchievements of his life; yet I think it may not be altogether presumptuous if I offer to assist your remarks upon the preceding narrative, by a rough, yet plain representation of the sense that judicious men, who were acquainted with the colonel better than myself, have had, and still have of his value.

He was a man, in their opinion, fitter to imbroil than compose a disconcerted society; to be a mate to some hunting Nimrod, rather than an assistant to a peaceful

magistrate. Not that he wanted a reach of understanding, and, with a prompt comprehension of things, a clear and distinguishing judgment; but his ambitious and restless spirit, suitably lodged in a strong and vigorous body, always directed his thoughts to such stirring and active counsels, as not only were inconsistent with temper and mildness, but required a necessary concurrence of undaunted resolution, with plodding sagacity, before they could be brought to effect. And indeed his heart and head clubbed so equally, and kept so true a pace together in all his undertakings, that if the great things he set about failed of the projected success, yet they were still brought so near an issue, that Providence seemed concerned by defeating them at the last nick, to make good that oracle of scripture, "That God brings to nought the counsels of the wise." And his designs were generally laid with so much artifice, and managed with that confidence of undertaking, that in all probability human and ordinary circumspection was not sufficient to way-lay him in many of his subtile and politick contrivances.

They cannot deny but that there was a great obliquity in his morals, since his most noted actions can allow of no other appellation than that of splendid crimes; but whether the injuries which he always pretended to have received disjointed the original rectitude of his nature and education, by bending him to revenge, or that powerful ambition, which seems to be the greatest excess that swayed him, set him upon unusual methods of conduct, it is still certain that he pursued none of those mean and sneaking actions that leaves an indelible character of ignominy upon those who would be thought gentlemen, when they tread in the steps of villains. He was indeed for forbidden game, but never on the king's highway, always in royal parks and forests; crowns, scepters, and government were his booty; and the surprising of castles and vice-roys his recreation. For compassing those great ends he had a wonderful art of insinuating into the affections of the leaders of all discontented parties, and maugre the differences of remonstrances of the various persuasions in religion of those he rallied with, he still won so much upon the minds of the cabals, that (unless it be of late) he was never suspected by his party, though it appeared at his last, that he either fell back, or had in his heart constantly adhered to the religion wherein he was educated. In sum, sir, when they have considered him on every side, in the heat of bustling and in the cool of his retreat, which seemed only to be his quarter of refreshment, wherein he plotted and laid new trains for action, they think that part of the burlesque epitaph that was made on Mr Prynn, may very fitly quadrate to this famed man:

That he went through thick and thin,
Was never out, nor never in.

And so I shall leave him to his Judge, and recommend myself to your good wishes, being,

Sir,
Yours.

A Treatise, wherein is demonstrated,

I. *That the East India Trade is the most National of all Foreign Trades.*
II. *That the Clamours, Aspersions, and Objections made against the present East India Company, are sinister, selfish, or groundless.*
III. *That since the Discovery of the East-Indies, the Dominion of the Sea depends much upon the Wane or Increase of that Trade, and consequently the Security of the Liberty, Property, and Protestant Religion of this Kingdom.*
IV. *That the Trade of the East Indies cannot be carried on to National Advantage, in any other Way than by a General Joynt Stock.*
V. *That the East India Trade is more profitable and necessary to the Kingdom of England, than to any other Kingdom or Nation in Europe.*

By Φιλοπάτρις. 1681.

BEFORE I enter upon the particular proof of the propositions in the frontispiece, I shall desire the reader's leave to mention some few general opinions of my own concerning trade, which I have long since entertained; and the older I grow in experience, the more I am confirmed in them.

1. That trading merchants, while they are in the busie and eager prosecution of their particular trades, although they be very wise and good men, are not always the best judges of trade, as it relates to the profit or power of a kingdom. The reason may be, because their eyes are so continually fixt, and their minds intent upon what makes for their peculiar gain or loss, that they have not leisure to expatiate or turn their thoughts to what is most advantageous to the kingdom in general. This I am told was the opinion anciently of M. T. Cicero, and also Boden, that learned French author, and lately of the Lord Chief Justice St John, who was a principal engineer in the first act of navigation. But whether it was their opinion or not, I am sure it's true by manifold experience; of which I could give pregnant instances in the age we live in, and former councils of trade since his majestie's happy restauration, but that I design brevity, and to avoid all personal reflections. The like may be said of all shop-keepers, artificers, clothiers, and other manufacturers, until they leave off their trades, and being rich, by the purchase of lands, become of the same common interest with most of their countrymen.

2. And upon the same reason I am of opinion, and have found by experience, that a mixt assembly of noblemen, gentlemen, and merchants, are the best constitution that can be established for the making rules, orders, and by-laws, for the carrying on any trade for the publick utility of the kingdom.

3. That all domestick or foreign trade, to any place or country, that doth not, in the result and consequences of it, increase the value of our English lands, (the good plight whereof is the main basis of our wealth, freedom, and safety) ought not only to be discouraged, but totally rejected.

4. That all monopolies, of what nature or kind soever, are destructive to trade, and consequently obstructive to the increase of the value of our lands; and that therefore, if

there be any thing in the East India Company's charter, or any charter of incorporated merchants, that hinders any of his majestie's subjects of England, Scotland, or Ireland, from coming into that trade, upon as good terms as others of his majestie's subjects did, or yet may, it would tend to the general good of the kingdom, that such barrs or hinderances were removed.

5. I am clearly of opinion, (be it said without offence) that if all strangers inhabiting in any of his majestie's kingdoms, (so they be not suffered to be of government) had as free liberty to enter into any of our incorporated foreign trades, as any of his majestie's native subjects, as is practised in the United Netherlands, it would greatly encrease the trade of England, and improve the value of land.

6. That those narrow clauses in the Turkey companies and other charters, which limit the traders to be freemen of London, and not to be shop-keepers, or other than such as they call legitimate merchants; as also the practice of allowing no man to be free of the Turkey Company under 25*l.* if he be under 25 years of age, or 50*l.* if above, are to the prejudice of the nation in general, though they may be for the advantage of the particular traders, for which I suppose they were calculated.

7. I am of opinion, the Dutch, nationally speaking, are the wisest people now extant, for the contriving and carrying on their trades for the publick advantage of their country. If any shall here object, that if it be so, I am mistaken in my former notion, that merchants are not always the best judges of trade, for the Dutch have most merchants in their councils; the Honourable Sir William Temple hath already answered for me, that their councils are made up of very few or no trading merchants, but of civilians, or sons of merchants, that have long since left off their active trades, and have only now stocks in their East and West India Companies, or in other banks and cantores, or other publick funds.

8. That though the dominion of the sea may be obtained by arms and fortunate battels at sea, it can never be retained, preserved, and maintained, but by the excess and predominancy of foreign trade.

9. That domestick and foreign trade do (as we vulgarly say of twins, but more truly of trade,) wax and wain together; and, if it were not an impropriety of speech, land might be coupled with them.

10. I am of opinion that silver and gold, coined or uncoined, though they are used for a measure of all other things, are no less a commodity than wine, oyl, tobacco, cloth, or stuffs; and may in many cases be exported as much to national advantage as any other commodity.

11. That no nation ever was or will be considerable in trade, that prohibits the exportation of bullion.

12. That though it may be best to be left free and indifferent, it is more for the publick advantage to export gold or silver coined than uncoined: By the former we gain the manufacture, and something of honour and magnificence it is to have his majestie's royal stamp pass current in all parts of the world.

13. I am confident, whatever nation hath the lowest interest, will certainly have their lands in highest esteem and price; and that no nation shall ever over-match the Dutch in trade, till they mate them in the rate of interest of money.

14. That the Dutch gain much more by bullion and foreign commodities exported from their provinces, of which the chief are wines, East India goods, English herrings, Greenland oyl and fins, than by all their own native productions and manufactures.

15. That it is as probable an attempt to wash a blackamore white, as to hope that ever we can cope with the Dutch in the white-herring fishing, salt-droaging from St Uvals to the East-Land, or the Russia or Greenland trade, till the interest of our money be as low as theirs.

16. I always bear that deference to the consent of nations and numbers, that whenever I see wise and great nations, having different interests, and various forms of government, yet conspire, as it were, in the same means, to accomplish the same ends of profit, power, and honour, I conclude, they are nearer the right way to those ends, than the wisest and best private men living, that hold contrary opinions, swayed by personal profit or loss, pique or prejudice.

17. I am of opinion, with submission to better judgments, that there is just as much need of companies of merchants in England as in Holland, and no more. Where companies are necessary the Dutch have them; and in such manner as is most necessary to the nature and commerce of the countreys, for which they are incorporated. And I never heard of any companies of merchants there, but those of the East and West Indies, and both in joynt stocks, protected and defended by the laws of the provinces, which are of the same force as acts of parliaments with us.

18. That there is a necessity of a joynt stock in all foreign trade, where the trade must be maintained by force and forts on the land; and where his majesty cannot conveniently maintain an amity and correspondence by embassadors, and not elsewhere.

I shall now return to what was proposed to be proved in the title-page, viz.

I. *That the East India Trade is the most National of all Foreign Trades.*

Which I prove thus: viz.

1. What the Dutch, French, Danes, Portugals, and which, not long since, the Swedes, and now the D. of Brandenburgh, have with so great charge and expence attempted, and hedged about with laws and encouragements, must certainly be a matter of the greatest national consequence.

2. This trade employs more great warlike English ships, that may carry from 50 to 70 guns a-piece, than all the trades of the world from England besides.

3. This trade alone furnisheth us with saltpetre, a commodity so necessary, that in the late king's time the nation suffered greatly by the want of it, as is too well known and remembered.

4. Above four fifth parts of the commodities imported by this trade are again exported into foreign parts; by which the navigation and trade of this kingdom is vastly encreased into Turkey, Italy, Spain, France, Holland, and other parts of Christendom; by the returns of which more than treble the bullion is imported that was first exported to India; and the wealth of this kingdom is as greatly encreased, as by the direct trade to and from the East Indies.

5. Most of the East India commodities are of so small bulk, that if the trade of the East Indies were not in English hands, the commodities, notwithstanding any laws to the contrary, would come in from Holland, (as the French silks now do) with this difference only; then we should pay as much for pepper, which we now sell for 8*d.* the pound, as we do for nutmegs, cloves, mace, cinnamon, which is from 6*s.* to 15*s.* per pound; though the two last are cheaper at the places of their growth than pepper is at Bantam; but enhaunsed to that price by the Dutch having the sole trade for them. By which I conclude this saves the kingdom in that respect only, 500,000*l.* per annum, that otherwise they would be outwitted of.

6. All riches and power in nations, as well as private families, consists in comparison. A gentleman in the country may be accounted rich, if he be much richer than other gentlemen, his neighbours, though but of moderate estate. So England may be said to be rich or strong, as our strength or riches bears a proportion with our

neighbour nations, French, Dutch, &c. and consequently whatever weakens or depopulates them, enricheth and strengtheneth England. And most certain it is, that no foreign trade doth so work upon the manufactures of our neighbour nations, as this trade of the East Indies; for the staple countrys for silks and fine linen, are Italy, France, Holland, Flanders, &c. insomuch, as it is reasonably computed, those countrys, by the importation of East India silks and calicoes, not only into England, but from England into their own countrys, are abated in those fine manufactures above a million of pounds sterling per annum.

7. And which is a consideration of great weight, and may be of immense advantage to the strength, populousness, and riches of this nation in a few years, England hath already the principal trade of woollen manufactures, and now a quicker vent and export for them than ever it had in the memory of any man living. But throughout Christendom, I have ever been of opinion that, generally speaking, there are more men and women employed in silk manufactures than in woollen: Of which likewise England hath obtained a considerable part, considering the short time since our silk broad weaving began, which was but since Mr Burlimach brought in silk-diers and throwsters, towards the end of the late King James, or beginning of King Charles the First's reign. And I am credibly informed the number of families already employed therein in England doth amount to above 40,000. Now what should hinder, but that, in a few years more, this nation may treble that number in such manufactures; since the East India Company have of late years found out a way of bringing raw silk of all sorts into this kingdom, cheaper than it can be afforded in Turkey, France, Spain, Italy, or any other place where it is made. Insomuch, as with East India silks, we serve Holland, Flanders, and some other markets from England.

8. This trade pays his majesty about 60,000*l.* per annum custom; and carries out of this kingdom yearly, about 60 or 70,000*l.* in lead, tin, cloth, stuffs, and other commodities of the production and manufacture of England; which is not so considerable with respect to the quantity, as in this, that what we send to the East Indies of our own manufactures would not be sent at all, if the English nation were deprived of this trade; because neither Dutch nor French would enure the East Indians to our English manufactures; of which we have clear instance in the Dutch trade to Japan, where they industriously avoid introducing our English cloth. Which country being exceeding large, rich, and populous, and lying in such a northern latitude, might vent as much of our English manufactures as Spain and Portugal, if we could gain a footing into that trade; in the endeavour whereof, the company have already lost above fifty thousand pounds sterling.

9. Though the company have lost so much in the attempt of the trade with Japan, they have lately got an entrance into the trade of Couchin-China and China; and have, for a few years past, settled factories in three ports thereof, viz. Tywan, Tonqueen, and Amoy, to their great charge and expence, without reaping any profit thereby to this time, but a certain and constant loss, which they did and do continue notwithstanding, out of a zeal they have to promote the consumption of our woollen manufactures, in a climate not altogether so hot as most parts of India are. Which probably may in some time turn to the publick advantage of this kingdom, when those raging and bloody wars are ended between the Chineses and Tartars.

II. *That the Clamours, Aspersions, and Objections made against the present East-India Company, are sinister, selfish, or groundless.*

Before I engage into the discourse of objections against the present East-India Company, I shall not stick to declare (though it be against the sense of most of the now

adventurers) that, in my judgment, I am for a new stock, provided we can come honestly by it, that is, without injustice to the new adventurers (who will be found to have deserved worthily of their country, when their actions and themselves shall come to be impartially considered) and without detriment to the kingdom in general. Which notwithstanding is a matter of great difficulty, it being in trade, as with trees, great care is to be taken in removing an old one, lest upon the removal it die, or at least suffer a shrewd stunt. Yet, if the wisdom of our nation, in that august assembly of parliament now convened, shall incline to any alteration of the present constitution, I think this time may be as opportune as any. 1st, Because our neighbours are not now at leisure (the French being very low in India, and the Dutch not altogether so rampant as formerly) to make their advantage of our unsettlement, during the transition from one stock to another. 2dly, Because the profits of the East India trade were never so much cried up as now they are: So that I hope the subscriptions may prove the larger to the ensuing stock. And yet I must desire to be excused, if I think those that complain most of the old will not be found the forwardest subscribers to a new stock. 3dly, Because when we tell gentlemen or others they may buy stock, and come into the company when they please, they presently reply, they know that, but then they must pay 280*l.* for 100*l.*, and when we say the intrinsic value is worth so much, which is as true as 2 and 2 makes 4, yet it is not so soon demonstrated to their apprehensions, notwithstanding it is no hard task to make out that the quick stock of the English East India Company is at this time more than the Dutch quick stock, proportionable to their respected first subscriptions; and yet their actions now are current at 440*l.* or 450*l.* per cent. In truth, I that have reason to inspect and know as much of it as any man, had rather buy in this stock, now it is at 300*l.* for 100*l.* than come into any new stock at even money. Therefore, for general satisfaction, I could wish the experiment of a new subscription were tried. 4thly, If a new stock were now established, to please the generality of the kingdom, I should not despair but that such new stock would have a parliamentary sanction; which this only wants to be as strong in its foundation as it is in all other nations; and which being obtained, I am persuaded would, in less than an age, render his majesty as indubitably sovereign of the ocean, as he is now of Great Britain and Ireland, and the seas adjacent. 5thly, If an English company were settled upon such a foundation, there would be more encouragement to maintain and defend some trades by arms, which cannot otherwise be enjoyed or secured; which no company built upon an uncertain basis can be supposed to adventure the charge or hazard of, while they are not sure to enjoy their acquests in case of success.

But to return to my theme, and muster up all the objections I can remember to have heard against the present company.

Object. 1. The first that comes to my mind, is that of some of the Turkey merchants: They say, "The bringing in of so much silk, and so cheap, is a public nuisance, and destroys their trade, which depends wholly upon the exportation of woollen manufacture, whereas the East India Company sent out little manufacture and much bullion," &c.

Answ. 1. I answer, first, That it's strange doctrine to any sort of men skilled in the political part of trade, that the making of a material cheap, that is to be manufactured at home, or exported again into foreign countries, should be to the publick damage of any country.

2. That the Turkey merchants do ship out much cloth I deny not; but as true it is, that they have shipt out more yearly since the great increase of the East India trade, and since themselves have made this complaint, than they did in former years. So that, in fact, it doth not follow that the increase of the East India trade, and particularly of their importation of silk, doth hinder or diminish the exportation of cloth to Turkey, but rather the contrary.

3. The question is not now, which company sends out most woollen manufactures, but which is the most profitable trade to the nation? which I hope I have proved the East India trade to be; especially if the before-mentioned consideration be taken in, that what English commodities the East India Company exports would not be exported at all, if the English had no trade thither; because other nations that trade thither are under joynt-stocks and political councils, and consequently would send none of our manufactures. But as long as there is a market for our English cloth in Turkey, if the English did not send it thither, the Dutch would; because in Holland there is no Turkey company; but any man, native or foreigner, may send what commodities, and when they please, for Turkey, except they be staied for convoy by some act of state. And where all men have liberty to trade at discretion, they will naturally deal in those commodities they can get most by, be they foreign or domestick.

4. If bullion be exported, and that hinder not the exportation of our English manufactures, as in fact doth appear; and if for every 10*s.* value sent out, 30*s.* be brought in bullion at the long run, which is most evident in the course of the East India trade, who can doubt but the exportation of bullion in such a trade is a real and great advantage to the kingdom.

5. Besides their cloth, the Turkey merchants do send out a great deal of bullion themselves, as appears by their entries at the custom-house: In which they do well for themselves and their country, but not well in complaining of others at the same time for the same thing.

6. The truth of the case at bottom is but this, the importation of better and cheaper raw silk from India, may probably touch some Turkey merchants profit at present, though it doth benefit the kingdom, and not hinder the exportation of cloth. What then? Must one trade be interrupted because it works upon another? At that rate there would be nothing but confusion in a nation, *ad infinitum.* The Italian merchants may quarrel with the Portugal merchants, because they do now in a plentiful year import from Portugal 4000 pipes of oyl per annum, as formerly they did not use to import above 100 pipes annually. The shoemakers pull down the coblers; those that make red herrings destroy those that dry sprats, because quantities of the latter pull down the price of the former. Of the same kind was the late project of the innkeepers to pull down the hackney coaches; and so might peradventure, with much more probability of truth, the Portugal merchants pretend that our plantation sugars spoil their trade, and hinder the exportation of our woollen manufactures to Portugal; of which in reality the first part only is true. Our plantation sugars have brought down their Lisbon sugars from 8*l.* 10*s.* per cent. to 2*l.* 10*s.* per cent. within my memory: And yet the exportation of woollen manufactures to Portugal is now greater than ever it was since England was a trading nation. Just as it is and will prove in the Turkey trade; the similie holds, and will hold thorowout.

7. If those Turkey merchants think the East India trade so good, why do they not come into it themselves? The door is open always to them and all the king's subjects; buying and selling there is daily; and some noblemen, gentlemen, and others of quality and place, have lately bought stock, and the East India company have taken nothing for their freedom, the most they take is 5*l.* but if any East India merchants desire to trade for Turkey, they must answer several hard questions before they can be let in. 1. How old are you? 2. Are you a freeman of London? 3. Are you no shopkeeper, or a legitimate merchant? When you have answered all these questions to their content, if you are above 25 years of age, there's 50*l.* to pay before you can trade; which is a great deal of money to part with before one knows whether he shall get or lose by the bargain.

Obj. 2. They say there is not above eighty legitimate merchants in the East India Company.

Answ. 1. I answer, first, by legitimate merchants, I suppose they mean such as have served apprenticeships to merchants, in the number whereof I believe they reckon short above half.

2. That it matters not two straws to the kingdom whether they be legitimate in their sense, or illegitimate. In the whole they are now five hundred fifty and six, which is more by a great many than the Turkey merchants, and more by above half than they would be, if the trade were not managed in a joynt stock.

Object. 3. They say the company have half the known world in their charter, and that's too much for any company.

Answ. 1. I answer, first, this company have no more in their charter, than all the East India companies in Christendom have in their charters: And from thence infer, that either so much as is in the charter ought to be for publick utility; or else all Christendom, except those few gentlemen that complain, are mistaken in their politicks.

2. Though the charter run in the stile of "The merchants of London trading to the East Indies," yet, in truth, the company is a company of all, or so many of the king's subjects, as did desire to be concerned in that trade, or yet do; they buying the stock of any dead person, or other that is willing to sell.

Object. 4. But it is dear buying at 280*l.* per cent.

Answ. 1. It's less than the intrinsic value, if the stock were now to be broke up, if I can calculate aright.

2. If it be too dear, I know not but any man may be as justly compelled to sell his house or land at the buyer's price, or else be disseized of it, as his stock in the East India Company.

Object. 5. They say the charter hath exorbitant and illegal clauses in it.

Answ. 1. I believe no charter in Europe hath less of that kind.

2. It's absolutely necessary for the publick good, that whoever governs a trade so remote from England, and by such a multitude of hands as the company are forced to employ, should have some extraordinary power committed to them.

3. Whatever is in the charter, I never knew or heard of any arbitrary act that ever the company did; nor any ships or goods that ever they seized by virtue of their charter, though they have had cause often.

Object. 6. They say the company hath imposed and exacted great fines, mulcts, and forfeitures, to an immense value.

Answ. I never knew them take any fine or forfeiture, but what any man might do in the same case, without a charter: What they do take in any case, being either by submission of the party, by agreement with the master and owners in charterparty, or by arbitrations; and always in pursuance of legal obligations, sealed and delivered. The manner whereof is briefly this: They agree with all their factors and servants, and also with masters of ships, before they entertain them into their service, that they shall not carry or bring home prohibited goods; and if they do, they shall subduct out of their freight a certain rate for each piece or sort of prohibited commodities, which they do accordingly subduct out of the freight, which in effect is from themselves: For most of the owners of the ships imployed by the company are East India adventurers; which I know by experience, being a part-owner myself of a considerable number of ships, employed by them. And yet, to do the company right, I must acknowledge that the ships employed by them (such deductions notwithstanding) make better voyages, and gain more money for their owners, than any ships whatsoever, that sail out of England: And the commanders and officers of such ships generally grow much richer in a short time than any others, of any trade or nation whatsoever.

And so indulgent are the company to common seamen, that they allow every man or boy that will, in their several ships, to bring five pieces free of stated damage, erroneously called mulct. And if any seaman happen to bring 10 or 15 pieces, the committees entrusted with that affair commonly stretch that order to the allowing the seaman 5 pieces to himself, 5 pieces for his wife, and 5 pieces for his child, if he have any; and if he have none, they usually ask the party whether he have not a father, mother, or other relation: So that they invent ways to favour him, above the companies rule aforesaid, of only 5 pieces to one person.

To encourage likewise the importation of gold from China, from whence small quantities do come every year, and very great quantities will come in a few years, the company do not only permit the entrance of it free of stated damage, but give the freight of it gratis.

The company do likewise allow to all their commanders, president, agents, factors, and servants, all kind of trade in India, from and to any port or place within the limits of their charter, except to and from Europe: Whereas on the contrary the Dutch, tho' they are a people known to be as tenacious and as obstinate defenders of their liberty as any people in Europe, do restrain all those that serve them in India, from all the most profitable trades from place to place, within the limits of their charter; and indulge no kind of private or permissive trade whatsoever to or from Europe.

Now let any indifferent man judge, besides that whatever the company doth in the case of stated damages, every private man may do that can freight a whole ship by himself and partners; whether it be not highly reasonable, that seeing the company are at above 100,000*l.* yearly charge in East India and England, that whoever participates of that trade should proportionably contribute to the expences that necessarily attend the preservation of it.

Object. 7. They say, besides raw silk, the company imports wrought silk, to the prejudice of the silk manufacture in England.

Answ. 1. This objection lies as much and more against all other wrought silks, imported into England from Italy, Holland, or any part of the world.

2. The silks which the company commonly bring in are the main part of them taffaties, and other plain or striped silks and pelongs, such as are not usually made in England, but imported from France, Italy, and Holland; where lately, when pelongs were scarce, many were made and imitated at Harlem, and from thence imported into England. So this importation works upon our neighbours, preserves the ballance of our trade, and consequently encreaseth the capital of our nation.

3. And which is beyond all contradiction, as will appear by the entries at the custom-house, a great part of the wrought silks, imported by the East India Company, are again shipt out to France, Holland, and other foreign parts; which is a great and growing advantage to the king, and kingdom in general: To the king, because for all foreign goods re-exported, his majesty hath in consequence the half custom paid him by strangers, without taking a penny out of his subjects' purses: And to the kingdom, by preserving and meliorating the ballance of our trade, as aforesaid: Besides the gain of freight, portage, wharfage, warehouse-room, and all other petty charges: Amongst which may be reckoned the advantage accrewing by the expence of such foreigners, while they stay here, as the companies sales do necessarily draw over hither.

Object. 8. Some clothiers complain that the East India Company hinders the vent of cloth.

Answ. 1. This indeed is a fine practice, and deserves a thorow inspection. 1. Who they are that complained. 2. When and how they begun to complain. 3. Why they complain. 1. For the time when, it was in the year 1674 or 1675, as I remember: Then they had the confidence to tell the parliament the company would spoil the trade of cloth, and bring the price of wool to nothing. But, in fact, the company hath now

stood five or six years since that time, and much augmented their trade for India, but wool is advanced in price above 50 per cent., and such a trade there is and hath been for woollen manufactures, as England never saw in any former age. 2. Who they were that complained; not the poor Kentish clothiers, that have lost their trade; nor the Suffolk men, that have lost their manufacture of blue cloth; but the Worcestershire, Glocestershire, and Somersetshire men, that do now make and vend above twenty times the quantity of cloth which they did before this company was erected. 3. How they began to complain; which, as I have been informed, was thus: Their first petition was drawn only against the Turkey company, for making but one cloth shipping in a year: But entertaining a certain council (since famous for other matters) he told them, for some reasons best known to himself, they should draw their petition against the East India company likewise, which accordingly they did: But whether they were Dutch or English that paid the best fees, that I could never discover. 4. Why they complained. That I believe few of them understood: It could not be because their trade sunk, for that was manifestly and wonderfully increased. It could not be because the East India Company, as a company, sent out less cloth than was sent for India in the open trade: For the entries at the custom-house will evidence, that the company, since their incorporation, have sent out, in some one year, above ten times as much cloth as was ever sent out, in the time of open trade. But why then did they complain? Really I cannot tell, but peradventure their council aforesaid, or some Turkey merchants, their customers, might inform them, that if the trade of India were open, there would be a new world for cloth, that would vent as much as the old world. And if they had any Dutch or French customers, no question they would not be backward to encourage so good a work.

Object. 9. They complain that the present stock is ingrossed into a few hands; some single adventurers having 16 or 17,000*l.* principal stock in their own names.

Answ. 1. If this be true, the complaint of it would sound better out of the mouth of an old leveller, than a merchant's, living under a free and royal monarchy. And yet to give the maddest of men their due, neither the late English levellers, nor their elder brethren, the tribunes of the people of Rome, nor yet the more ancient Lacedemonians, or other Greeks; none of them had ever that excess of indiscretion, as to pretend to stint, much less to level personal estates, which if they could be made even at noon, would be unequal before night.

2. If there were any thing in this objection, certainly the Dutch, being a republick, would have found a remedy for it before this time; whereas, on the contrary, they think whoever adventures most in their joynt stocks doth much oblige the commonwealth, though he be a stranger; insomuch as one Swasso, a Jew, now or late living in Amsterdam, I am informed, hath had at one time in their East India stock above the value of 300,000*l.* sterling.

3. The more any adventurer hath in the stock, the more he is engaged to study and promote the good of it, by all possible means within his power. An adventurer that hath the smallest interest may be as just and true to the stock as he that hath the greatest: But I can never believe that a small interest will awaken a man so often in the night, nor keep him so long from sleeping, in the meditation of any business, as a very great and principal concern may do.

4. Notwithstanding the largeness of any of the adventurers stock, there are yet five hundred fifty-six adventurers, which is a greater number than are to be found in any trade that hath not a joynt stock.

Object. 10. There are many other ports and places within the limits of the companies charter, where English commodities would vend, which the company do not trade unto.

Answ. 1. I believe there can never be any society that will more industriously ex-

patiate and enlarge the trade of this kingdom, in those parts of the world, than this hath done, by all peaceable means. I am sure 100,000*l.* will not excuse them for the losses they have sustained in such attempts. Many factories they have settled, and after a vast lose have been forced to with-draw them. Tywan, Tonqueen, Siam, and Amoy, before-mentioned, they settled within these six or seven years past; and lost, a year or two before, 50,000*l.* in their attempt of a settlement at Japan.

2. As there be many ports in England, but a foreigner that trades to and from London may, if he will, participate of all the English trade, without having particular factories in the out-ports: So in East India, a factory at Suratt will share in all the trades of the Red Sea, as well as Moca, and other parts within the correspondency of that presidency. The same may be said of Bantam, and many other places, as well as Suratt.

3. In very many places of India, where the company do prudently avoid settling the English factories, they do notwithstanding carry on a trade and correspondency by Bannians, Vakeels, and other natives; by which means they avoid the charge of presents to governours, and that ostentatious expensive way, which the companies factors are necessitated to appear in, in all places where they settle, according to the mode of that country, and for the honour of the English nation and the East India Company.

Object. 11. It is said, if the company were not in a joynt stock, many more ships might be imployed in India, from one port to another, in trading voyages.

Answ. 1. The company want neither stock, nor skill, or will, to imploy as many ships as they can gain by; and have almost doubled the quantity of their stock and tunnage within these late years, and are like yearly to increase, to the nation's greater advantage, if they be not interrupted.

2. The company have now 25 ships and vessels trading in the East Indies, from port to port, besides 11 great ships sent out last year, hereafter particularly mentioned; which are abundantly enough to answer all the companies occasions of that kind; the rather, because the company do generously allow, not only to their president, agents, factors, and merchants, but to all the English nation living in any places within their charter, being the King of England's subjects (of which there are many hundred of families) free liberty of trade to and from all ports and places in India; and in any commodities whatsoever without exception. By which means many scores of small ships and vessels are imployed in those trades, and the trade fully supplied. By this means our native commodities are dispersed, and all India goods collected from the several less considerable ports of India do at length center in the principal ports, where the company have factories, forts, cities, and garrisons: And from thence do come for Europe in the companies returned ships. And if this be not directly after the Dutch mode, I am apt to think, in a few years more, if the company be not interrupted, it will be found to be a better. And I have been told their late ancient, learned, and experienced general of Batavia, Matsuker, did before his death write to the committees of the Dutch East India Company to this or the like purpose.

Object. 12. Since the East India Company was incorporated coinage hath abated in England.

Answ. This is a meer groundless chimæra, and will appear so if the old mint master as well as the new ones be examined. The proportion of coinage (except when we coined the King of Spain's money for his wars in Flanders,) having generally in my observation borne a proportion to, and followed the price of corn in England, *viz.* when corn was dear, we had little coinage; in all cheap years of corn, the mint hath been greatly supplied.

I can remember no more objections against the East India company or trade, and therefore must proceed to the next particular, *viz.*

III. *That, since the Discovery of the East Indies, the Dominion of the Sea depends much upon the Wain or Increase of that Trade; and consequently the Security of the Liberty, Property, and Protestant Religion of this Kingdom.*

The first part of this proposition is meerly historical, and so well known to all that look beyond the present age we live in, that the proof of it will require little pains. While the Spaniards had Portugal, and with it the trade of India, they were able to invade England with a navy, by them called Invincible: And so it was, as to man's understanding, if the strength of it be barely considered; but their skill was not good, nor their ships of a fabrick fit for our seas: Their cause was naught, and the providence of Almighty God blasted them. The Dutch, since the Portugals sunk in the East India trade, have grown so potent in and by the trade of the Indies, that they have, in three great and bloody wars, contended with us for the dominion of the sea, and yet secretly do not allow us the predominancy. Though they are not now at leisure to try the fourth war for it, yet, if, through the folly or madness of a few unthinking or self-interested men, we should deprive ourselves of the trade of the East Indies, (which God in mercy to England forbid) we should certainly save them the experiment of fighting with us the fourth time. They would carry the dominion of the sea clear, and hold it for ever, or until their common-wealth should be destroyed by land force, or intestine broils.

If any man shall say, Why then? Are the East India ships of such a mighty auxiliary force, that without their aid we cannot over-ballance the Dutch in naval power? I answer, those ships, and the men in them, are of very great force, as will hereafter appear. But he that looks no further than into the bare force of the ships and men now employed by the company, doth not see the tenth part of the way into this great business: For if we should throw off the East India trade, the Dutch would soon treble their strength and power in India, and quickly subdue all other European nations in that trade, as they lately did the French, notwithstanding their great strength at home, and have since, I hear, quarrelled with the Danes; by means whereof they would become sole masters of all those rich and necessary commodities of the East, and make the European world pay five times more for them than now they do, as they have already done by cloves, mace, cinnamon, and nutmegs, which would so vastly encrease their riches, as to render them irresistible. All wars at sea, and in some sense land-wars, since the artillery used is become so chargeable, being in effect but dropping of doits, that nation that can spend most and hold out longest will carry the victory at last with indifferent counsels. If it be said, Where shall they have men? I answer, if they have trade and money enough, they cannot want men. Seamen are inhabitants of the universe, and wherever they are bred, will resort to the best pay and most constant employment; especially in a country where they cannot be prest or compelled into any service against their wills.

But it must be further considered, that all other foreign trade in Europe doth greatly depend upon East India commodities; and if we lose the importation of them into Europe, we shall soon abate in all our other foreign trade and navigation, and the Dutch will more than proportionably increase theirs. The proportion of our decay and their increase, in such a case, would indeed be exactly the same; but that the excess of price which they would make the European world pay for East India commodities more than now they do, would cause a disproportionable and greater increase of their riches; the augmentation whereof would further enable them to overballance us and all others in trade, as well as in naval strength.

If it shall be said, admit all that is writ upon this head to be probable, is not the consequence (*viz.* the security of the liberty, property, and protestant religion of this kingdom) far fetcht, and brought in as popular phrases, to gain and please a party, as the clothiers and artificers petition was formerly on the other side, I answer, I cannot hinder men from thinking their own way: But God Almighty, that knows my heart, knows that I scorn to use any such sacred terms to or for any such sinister or selfish respect, or to please any sort of men living. All that I have or shall write in this treatise, is what I do really and stedfastly believe, upon very long and serious meditation, and many years conference with almost all sorts of men, English and strangers: And if notwithstanding I do err in some things (as *humanum est*) it is for want of better understanding. But, to return to the matter, can any man that looks abroad into the world doubt of the truth of that observation, *viz.* That trade never thrives in any country that is not protestant, though not in all that are so, for reasons which I could offer, but that they are not necessary here. Is it not obvious to every man's understanding, that since Queen Elizabeth's time our customs are encreased from 14,000*l.* per annum to above 700,000*l.* per annum? Is it not evident that the people of the United Netherlands, since their being protestant, are increased more in trade and wealth in 100 years, than the ancient and fortunate Romans did in 400 years after the foundation of their flourishing common-wealth? Have not the French, since they were but *partie par paile*, part protestants and part papists, increased more in trade and shipping in 100 years, than they did in 500 years before? I once discoursed a popish lord, soon after his majestie's happy restauration, who is since dead, who told me it was never well in England, nor would be, while we kept such a stir about promoting of trade. I confess I liked his lordship the worse for that expression, but I thought the better of his parts. A naval power never affrights us; seamen never did nor ever will destroy the liberty of their own country: They naturally hate slavery, because they see so much of the misery of it in other countrys. All tyrannies in the world are supported by land-armies: No absolute princes have great navies, or great trades: Very few of them, though they have large territories, can match that little town of Hamburgh in shipping. The kingdom of France is powerful and populous, and is arrived to the height of military vertue, by which they are become formidable to us, as well as to our neighbours. Who do we fear may destroy our liberty, property, and religion? (which three are one in substance) but the papists and the French, which likewise are two names for one thing; and so we should have found it, if God Almighty had not disappointed them. Now, under God's providence, what can best secure us from them but our naval strength, and what doth especially increase and support that but our East India trade, which I think I have sufficiently proved to the conviction of every impartial and unbiassed Englishman; and if so, the consequence in this proposition is most natural and irrefragable.

But if notwithstanding it shall be replied upon me, that in the former part of the discourse on this inference, I say, that trade thrives in protestant countries, therefore the protestant religion is the cause of our so great increase in trade and navigation, and not the trade of the East Indies, I answer, first, that the great increase of trade is not a constant and infallible consequence of the protestant religion, because it proves not so in all protestant countrys; but whatever nation increaseth in the East-India trade, never fails proportionably to increase in other foreign trade and navigation. Secondly, admit that our reformation to the protestant religion were one principal cause at first of our advance in trade and navigation, yet now it is manifest, that the increase of our trade and navigation is a great means, under God, to secure and preserve our protestant religion; foreign trade produceth riches, riches power, power preserves our trade and religion; they mutually work one upon and for the preservation of each other; as was well said by the late learned Lord Bacon, though in a different

case, in his history of Henry the VIIth, That that king's fortune worked upon his nature, and his nature upon his fortune.

IV. *That the Trade of the East Indies cannot be carried on to National Advantage by a Regulated Company, or in any other Way than by a Joynt Stock.*

Before I engage in this argument, it will be necessary to explain what's the constitution of a regulated trade, such as the Turkey Company, and other like companies of merchants of London are. 2dly, What a company united in a joynt stock is. To begin with the first, a regulated company is hard to define, and harder to resemble. It's the confinement of a trade to a certain number of the people, exclusive to above 99 parts of 100, with power in the major part to hinder the lesser from shipping out any goods, but when the greater number think fit; and to levy a tax upon the trade at the discretion of the greater number of votes. In brief, it is a heteroclite, unto which (out of England) there is nothing now in the world like, in any other kingdom or commonwealth whatsoever, that ever I could read or hear of; all those trades that are regulated and confined to certain persons in England, being open and free to all people, in all other kingdoms and states. Their courts are perfect democracies, where one that trades but for 100*l.* per annum hath as good a vote as another that trades for 20,000*l.* per annum. In those courts they appoint the time of shipping, choose their ambassador and two consuls; settle a tax, which they call leviations, upon the trade. And although I have a profound veneration for all things then settled in church and state, and for those wise and worthy councellors that assisted Queen Elizabeth in those infant times of our reformation and trade, and am apt to think, when those constitutions were made, they were useful and proper to that time, yet I must acknowlege that, in my opinion, if all those trades that are regulated, that is, confined to certain persons only, were free and open to all the king's subjects, as they are in Holland and all other places, it would be infinitely more for the general good of the kingdom. Neither do I see any reason why the trades of Turkey, Hamburgh, East-land, Russia, and Greenland, which in England are limited or regulated, as they call it, should need such limitation, or regulation, more in England than they do in other parts of the world; or more than other trades to Italy, France, Spain, or any other part of the world. And if something might be alledged for a regulation, what can be said why it is not for the publick utility, that all the king's subjects might trade to any country if they please, whether they be noblemen, gentlemen, men of the gown, shop-keepers, or whatever they be; the more the better for the common good. To enforce which, much more might be said; but that's not my business now.

A company in joynt-stock are a corporation by charter, (and if it were by act of parliament, it would be much better for the kingdom in general, as hath been said,) into which stock all the king's subjects, of what condition soever, have, at the foundation of it, liberty to adventure what sum of money they please. The stock and trade is managed by a select council, or committee, consisting of a governor, deputy, and 24 committees, chosen annually by the generality; in which every adventurer doth not vote alike, but proportionably to his stock, viz. Every 250*l.* original stock hath one vote; 500*l.* paid in hath two votes, &c. After the first stock is settled, no man can come in but by purchase; which every Englishman hath an equal liberty to do, and for which he pays nothing if he be a freeman: If unfree, never above 5*l.* In England, the company hath, by reason of our late civil wars and confusions, been interrupted several times, and there have been new subscriptions; but in Holland, since the first settlement thereof, in anno 1602, there has been no interruption or breaking up of

the stock, or new subscription; and such continuance is certainly best for the publick.

Having described the nature of these two sorts of companies of merchants, I shall now descend to the proof of the proposition, viz. That a united stock is absolutely necessary to the carrying on the East India trade to national advantage.

Arg. 1. My first argument I shall draw from the practice and experience of all other nations. Certainly all the world are not weak in their intellects, whatever those gentlemen think that complain of the East India Company. If any shall tell me, this argument will not hold universally, for the Portugals have a trade for East India, and yet have no joynt stock, I answer, under those gentlemens favour, I know there is a joynt stock for this trade in Portugal, or else there could have been no trade worth speaking of. But true it is, that joynt stock in Portugal is the king's exchequer, who reserves pepper, diamonds, silk, callicoes, and all other considerable India commodities to himself, and leaves only some few toys and trivial commodities to his subjects: and yet, for want of a more perfect national constitution, we have seen how the Portugal trade in India, notwithstanding the great roots it had drawn in a long uninterrupted course of time, dwindled to nothing, when it came to be confronted and outdone by the more national and better constituted joynt stock of England and Holland.

The French nation, peradventure, were never governed by wiser counsels for their own good than under the present king. They were some years past zealously set upon the East India trade; and I am assured spared for neither pains nor cost to arrive at the best method, but gave immense rewards to any that could give them any rational light or information to lay such a foundation of trade as might be proper for those eastern countrys. See what, how, and why they did resolve at last, by the printed translation of the French treatise relating to that settlement, which will save me the labour of enlarging upon this argument.

Arg. 2. The English East India Company have now (as every body knows) their money at 3 per cent. interest. Every Englishman that trades in an open or regulated trade, must value his own money at 6 per cent. at least, (or pay so much if he takes up money) because he can gain so much by it sleeping or playing; those that work, or run hazards, hope to do better. Now if the company, with their united stock and counsels, and money at 3 per cent. have much ado to hold up against the subtil Dutch, what shall poor private merchants of divided, various, and contrary interests do with their little separate stocks at 6 per cent. per annum?

Arg. 3. Suppose the trade of India might be carried on in an open or regulated way, if other nations did so, (which is never to be granted) yet in regard that all other European nations do at this time trade there in joynt-stocks, is it not as great madness to enter raw and private persons against such compacted and united constitutions of experienced councellors, as to fight a disordered undisciplined multitude against a well governed veteran army, supported with an inexhaustible treasure; or as it is to imagine, as some men fondly do, that we can maintain and defend our protestant religion against the church of Rome, without a national church in England?

Arg. 4. If the company should be destroyed, and the trade left open, the companies priviledges and immunities in East India would be lost, which have cost this company, as well as their predecessors, vast sums of money to maintain and retrieve, after they were almost ruined in the late three years open trade. If I am asked what those priviledges and immunities are? they are so many and so great, as is scarce credible to any not acquainted with the trade of India. For publick satisfaction, I shall mention some few of them, all would burden me to write, as well as the reader. We have the liberty of coining money for ourselves, and all other nations, which passeth current in all the King of Gulconda's countrys. We are custom-free in almost all

places, and in some, where the Dutch and all other nations pay a constant custom, particularly in all places of the Bay of Bengall, and up the great river of Ganges. At Fort St George and Bombay we have a right, and do impose a custom upon the natives, and all other nations.

In the empire of Persia we are custom free, and have yearly from the emperor 1000 tomans, which is above 3000*l.* per annum, in lieu of the half custom of his own people, and all other nations that trade thither. Of right it should be the full half customs of that port, which is more in value; and we should have an officer in his custom-house to receive our half part; but we rather content ourselves with the 1000 tomans aforesaid, than fight with him again for a right which we are uncertain how long we may enjoy, by reason of groundless clamours against the company at home.

At Bantam we are at the set rate of 4000 dollars per annum for all our customs, though we increase our trade never so much. In most places in India, we are in effect our own law-makers, and can arrest and imprison any natives that deal with us, or owe us money; and can inflict corporal punishments upon them, (without controul of any of the native or Moor governours) till they pay or do us right, if our people there see the cause for it.

All our black servants there, which are very numerous, and all others employed by us, or trading with us, are free and exempted from the jurisdiction of the natives and other governours.

We are in all places free in our persons and goods, and all imployed or priviledged by us, from all inland customs and duties, in the towns and provinces we pass or bring our goods thorow; which are very great in those countrys, and paid by the natives.

Arg. 5. My fifth argument is drawn from the great losses, damages, and depredations that this nation sustained in that short time of three years open trade, which are sufficiently known, besides the loss of priviledges, increase of presents to governours, lowering our English commodities, and advancing the India commodities to such an odious excess, that at length the very private traders themselves were the forwardest petitioners for a return to a joynt-stock; of the truth of which there be many yet alive that can attest.

Arg. 6. This I draw from the nature of the eastern governments. There are above 100 kings and rajahs, which are Gentu princes, but governing with absolute power in their own dominions, and as many ports and places of trade; whereas in Turkey, there are but two or three principal places of trade and one prince, with whom his majesty, by his ambassador, may conveniently have his subjects there vindicated and righted, if there were no company, as the French king, the Venetians, and the Dutch do. Whereas in India there would be need of forty ambassadors, and all must have instruction and carry large presents. The companie's agents, &c. in India, do many times find cause to send embassies, instructions, and splendid trains of attendance and presents, before the committee in England know of it.

Arg. 7. This is drawn from the distance of the places. Letters do pass freely to and from Turkey in a short time; and, in case of injuries done the English, his majestie's men of war may soon go down from Tangier to revenge them. But India is at a far greater distance; no certain return of a letter to be had once in twelve months; and the princes and ports there are at a wider distance one from another, than it is from England to Turkey, and much more difficult to mentain a correspondence by letters in India from port to port, by reason of the set monsons, or trade-winds, that blow six months together one way.

Arg. 8. Wherever the English or any Europeans settle a factory in India, they must presently build them large houses, warehouses, &c. take many servants, and maintain the appearance and splendour of a petty court; and in many places where the company

have not fixt garrisons, they are forced to fortifie their houses, or else they will be despised and trampled upon by the natives. If it be said this may be done by a regulated company, I answer, first, How shall they raise a stock to buy those the company have already, with their lands, islands, towns, garrisons, guns, and ammunition; which I am sure (their priviledges being put in likewise) have cost the company above 300,000*l.*? Next, how shall they maintain and defend them?—by leviations upon goods? What, before there are any goods to tax? No, they shall raise a joynt stock, to make the first purchase; and, after, take only a tax upon goods to maintain them. These are absurd, incongruous, and impracticable notions; for, in a time of war and danger, men will forbear trading, as hath been ingeniously observed by the author of the printed letter; so that there will be no goods to tax, when there is most need of money. Whereas the governours, or committees, have always in their hands a real fund of above a million of money, and can borrow so much in India in a few days if they want it, their credit there being as current as ready gold, having never been so much as stained. I shall say no more upon this argument, in regard the printed letter aforesaid hath so copiously and convincingly cleared this point beyond all contradiction, that I have no room left to enlarge, but have reason to beg the author's pardon for what, in this, I have borrowed of him.

Arg. 9. The East-India Company of England, Holland, and all European nations that trade to India, have power, by their charters, to make war upon any nation in India, at their discretion; but not upon any European nation without his majesties consent. This power they must and ought to have for the well carrying on of their trades: this power the English company have sometimes, but not often, exercised; but if it were not known in India that they have such a power, they should be continually affronted and abused by the natives. Now, who shall this power be delegated unto in a regulated company?—to all English-men, or to a single ambassador, or to many ambassadors and consuls?

V. *That the East-India Trade is more profitable and necessary to the Kingdom of England, than to any other Kingdom or Nation in Europe.*

First, This is so as we are an island, and have our principal security, as well as the increase of our riches, from our trade and strength at sea.

Secondly, And which I take to be a main consideration, the trade of India is to England not only a great, but an unmixt advantage; whereas to all our neighbours, though the trade of the East-Indies be a great advantage, and accordingly courted and coveted by them, yet they cannot have it without some mixture of loss in other respects, because some of them have the growth and production of silk among themselves, as Italy and France. They have likewise the sole manufacture of plain silks, such as taffaties, sarcenets, &c., which are brought from India cheaper than they can make them at home. Whereas in England our silk manufacture consists not in those plain silks, but in flowered silks and fancies, changed still as often as the fashion alters. Holland, Flanders, (and France, in some measure,) have their principal manufactures in fine linnens, cambricks, lawn, and Hollands, which only callicoe works upon, to the putting them very much out of request in their own countrys, and all other parts of Christendom. Whereas the linnen we make in England is of the strong coarse sorts, generally used by the meaner people, which callicoe doth not prejudice to any sensible degree. Neither is the linnen manufacture in England a matter worth taking notice of, (whatever a few gentlemens opinions are;) but in Holland, Flanders, France, and some parts of Germany, it is their main concern, being the subsistence of the majority of their people, as the woollen manufacture is in England.

Thirdly, The Dutch have a standing contract with the King of Persia for all his silk, which may amount to 600 bales yearly. Now, in regard Bengall silk in the East-Indies can be brought to Europe cheaper than Persia silk, the Dutch, by bringing silk from Bengall, must of necessity in some kind prejudice that contract in the price of silk, though it be the Dutch companies own contract, as well as the Turkey merchants; whereas, we having no such contract in Persia, do not work upon ourselves, as they must of necessity; and yet they are wiser than to slight the trade of Bengall for that cause. This argument concerning the Dutch contract in Persia is so fully confirmed by the companies advices lately received from Persia, that the Dutch there did lately desire to be excused from receiving their quota of silk, which is 600 bales yearly, upon pretence of their want of money to pay for them, which, notwithstanding, was forced on them by Shecke Ally Cawne, the emperor's governour there. If it be here askt me, Why the English East-India Company, seeing Persia is within their charter, are not as wise as the Dutch to make a contract likewise with the King of Persia? I answer, the Dutch got the start of us in that long before this company was constituted, and we cannot possibly retrieve it yet, the Persians being a people most difficult to remove from any thing they have once determined. If it be here further retorted upon me, that, by my own confession, the importation of silk from India doth prejudice the English Turkey merchants in the price of their silk here, I grant it; but what is that to England in general? It's the interest of England that we should have silk here (being a material to be manufactured) cheaper than in any other part of Europe where it grows; and so we shall infallibly, if the company stand. But, at the same time, I do expressly deny that the making of silk cheap in England doth hinder the exportation of our woollen manufacture to Turkey; the contrary being as evident as the sun at noon-day to any man that has not the mist of private gain or loss hanging before his eyes, as before is demonstrated in those two pregnant, experienced, unanswerable instances, viz. That as the price of Portugal sugars hath abated, (in which formerly almost all our returns from that country were made,) we have increased exceedingly in the exportation of woollen manufactures to that country, and even in the trade of Turkey itself for many years; and to this very time, as the price of Turkey silk hath abated, the exportation of our woollen manufacture hath increased; and so it will still, though silk should come to half the price it bears now in England; upon the proof whereof, by time, I dare hazard all that little I have in the world. Besides, when all is done, and if the Turkey merchants might have their will, to the irreparable damage of their common country, what would they be the better, except by an act of parliament we could as well hinder the French, Dutch, and other neighbours from trading in East-India silk, as we can the English East-India Company? Is not this dealing our children's bread to strangers?—weakning ourselves and strengthening our enemies, whilst they laugh and stand amazed at our indiscretion?

For a conclusion, that the present and future ages may know in what condition the English East-India trade stood when the company was assaulted by the private designs of particular men, I shall add an account of the present posture of their affairs, viz. Last year the company sent out, (which are not yet returned,) for the coast of Cormandel and the Bay of Bengall, four three-deck ships, viz. The Eagle, burden 590 tuns, and 118 seamen, besides passengers; the Sampson, burden 600 tuns, 120 seamen; the Berkley Castle, burden 530 tuns, 106 seamen; the President, burden 550 tuns, 110 seamen.

For Suratt and the coast of India, three three-deck ships, viz. the Williamson, burden 550 tuns, 110 seamen; the Lancaster, burden 450 tuns, seamen; the Johanna, burden 530 tuns, 106 seamen.

For Bantam, two ships, viz. the Society, burden 600 tuns, 100 seamen; the Nathaniel, burden 600 tuns, 100 seamen.

For the South Seas and China, two ships, viz. the Faulcon, burden 430 tuns, 64 seamen; the Barnardiston, burden 350 tuns, 69 seamen.

And in all of them the stock of 479946*l.* 15*s.* 6*d.*

This year the company are sending out for the coast of Cormandel and the Bay of Bengall, five three-deck ships, viz. the Bengall, burden 570 tuns, 114 seamen; the Ann, burden 460 tuns, 92 seamen; the Golden Fleece, burden 575 tuns, 115 seamen; the Cæsar, burden 520 tuns, 104 seamen; the George, burden 580 tuns, 116 seamen.

For Suratt and the coast of India, three ships, viz. the Josia, 600 tuns, 120 men; the Massingbird, 480 tuns, 88 men; and the Success, 460 tuns, 92 seamen.

For Bantam, three ships, viz. the New London, 600 tuns, 100 seamen; the Scipio Africanus, 363 tuns, 74 seamen; and the Persia Merchant, 360 tuns, and 74 men.

And for the South Seas and China, one other great ship, which is not yet resolved upon.

And in all of them the stock of above 600,000*l.* ster.

Note, that the ships are generally bigger than they are let for, and the company employ none but English-built ships; and that, besides what they sent out last year and are sending this, they have always a considerable stock left in the country, to make and provide goods before-hand. Besides, likewise, their islands, towns, garrisons, houses, buildings, ammunition, &c. The just number of their adventurers now is 556, and new ones daily coming in; the companies doors being never shut against any of his majesties subjects, as regulated companies are: and they have what money they will at 3 per cent. which will be the worst news of all in Holland.

If, notwithstanding all that hath been said, the company must be destroyed, God's will be done. To write what I have I thought my duty to my country, which having satisfied myself in the performance of, I am not careful for events, being always confident that whatever the parliament does they will do it justly, and so wisely as to make the best of a bad bargain. I am persuaded the Dutch, to have this feat done, would ease our lands a while, by giving us a million of pounds sterling, if they knew where to find chapmen; (which God grant they never may;) and I am sure, if they did pay two millions, they would have too good a bargain of it.

Sir William Petty's Quantulumcunque concerning Money, 1682. *To the Lord Marquess of Hallifax.* 1695.

Sir William Petty, celebrated for his knowledge of political œconomy and political arithmetic, is thus ably characterized by Grainger:—"He gave early proofs of that comprehensive and inquisitive genius for which he was afterwards so eminent; and which seems to have been designed by nature for every branch of science to which he applied himself. At the age of fifteen he was master of such a compass of knowledge in the languages, arithmetic, geometry, astronomy, navigation, practical mathematicks, and mechanical trades, as few are capable of attaining in the longest life. He made his way in the world under great disadvantages in point of circumstances, having acquired a very moderate fortune with as much difficulty as he afterwards rose with ease to wealth and affluence. He was an excellent chymist and anatomist; and a perfect master of every other kind of knowledge that was requisite to the profession

of physic. He was a very able mathematician, had a fine hand at drawing, was skilful in the practical parts of mechanics, and a most exact surveyor. But what he particularly applied himself to, and understood beyond any man of his age, was the knowledge of the common arts of life and political arithmetic. His admirable essays in this art have even raised his reputation to a higher pitch than it rose to in his life-time, as experience has fully proved the justness of his calculations. This great man, who knew better than any of his contemporaries how to enrich the nation and himself, died the 16th of Dec. 1687, in the 65th year of his age."—GRANGER, N. 16.

SUPPOSE that 20*s.* of new milled money doth weigh 4 ounces Troy, according to custom or statute. Suppose that 20*s.* of old Eliz. and James's money, which ought also to weigh 4 ounces Troy, doth weigh 3 ounces Troy, and very variously between 3 and 4 ounces, viz. none under 3, and none full 4.

Suppose that much of the new milled regular money is carried into the East-Indies, but none of the old light and unequal money.

Questions.

Qu. 1. Whether the old unequal money ought to be new coined, and brought to an equality?

Answ. It ought: because money made of gold and silver is the best rule of commerce, and must therefore be equal, or else it is no rule, and consequently no money, and but bare metal, which was money before it was worn and abused into inequality.

Qu. 2. At whose charge?

Answ. At the state's charge, as now it is; because the owner was no cause of its inequality, but the state's neglect in preventing and punishing such abuses, which are remedied by new coinage.

Qu. 3. Of what weight and fineness ought the new shilling to be?

Answ Of the same with the other present new money, and which the old was of when it was new; because all must be like, all according to the statute, and all fit to pay antient debts, according to what was really lent.

Qu. 4 Suppose 20*s.* of old money may make but 18*s.* of new, who shall bear the loss of the two shillings?

Answ. Not the states; because men would clip their own money, but the owner himself must bear the loss, because he might have refused light and defective money, or put it away in time, it being sufficient that he shall have new regular beautiful money for his old unequal money, at the state's charge, ounce for ounce weight.

Qu. 5. After this reformation of coin, will more silver be carried out of England, suppose into the East-Indies, than before, and to the damage of England?

Answ. Somewhat more; but none to the damage of England, *eo nomine,* but rather to its profit; because the merchant will be considered for the manufacture of the new money, besides the metal of it, as he only was when he carried out Spanish reals.

Qu. 6. Whereas the merchant carries scarlet and silver to the Indies, will he not now carry only the new coined silver?

Answ. The merchant will buy as much scarlet as he can for 100 new shillings, and then consider whether he shall get more silk in the Indies for that scarlet than for another 100 of the like shillings: and, according to this conjecture, he will carry scarlet or shillings in specie, or part one part the other, if he be in doubt.

Qu. 7. But will not England be impoverished by merchants carrying out the said 100 shillings?

Answ. No, if he bring home for them as much silk as will yield above 100 shillings (perhaps 200 shillings) in Spain, and then bring the same 200 into England. Or, if he

bring home as much pepper as an English-man will give him 200 of the like shillings for. So the merchant and England shall both gain by exporting the 100 shillings.

Qu. 8. But if the new shilling were but three-fourths of the weight as formerly, then the merchant would not meddle with them at all, and so secure this fear of impoverishment?

Answ. The merchant would export then, just as before, only he will give but three-fourths so much pepper, or other Indian goods, for the new retrenched shilling as he did for the old; and would accept in India three-fourths as much pepper as he formerly had for the old; and consequently there would be no difference, but among a few such fools as take money by its name, and not by its weight and fineness.

Qu. 9. If a shilling was by new coinage reduced to three-fourths of its present weight, should we not thereby have one-third more of money than now we have, and consequently be so much the richer?

Answ. You would indeed have one-third part more of the new christned shillings, but not an ounce more of silver nor money; nor could you get an ounce more of foreign commodities for all your new multiplied money than before, nor even for any domestick commodities, but perhaps a little at first from the few fools above mentioned. As for instance, suppose you buy a silver vessel from a goldsmith, weighing 20 ounces, at 6*s.* per ounce, making 6 pounds, or 24 ounces of coined silver; now suppose that the said 6 pounds were reduced from weighing 24 ounces to weigh but 18 ounces upon the new coinage, but be still called 6 pound even by the king's proclamation, can it be imagined that the goldsmith will give his vessel, weighing 20 ounces of wrought, for 18 ounces of unwrought silver, for the workmanship of money is of little value? Now the absurdity is the same in all other commodities, though not so demonstrable as in a commodity whose materials is the same with money.

Qu. 10. Cannot authority command that men should give as much commodity for the new retrencht money as for the old, which weighed one-third part more?

Answ. Then the effect of such authority would also be to take away one-third of all men's goods, which are commodities beyond seas, and give the same to foreigners, who would have them for three-fourths of the usual quantity of silver; and the same authority would take away from the creditor one-third of the money which was due before the proclamation.

Qu. 11. Whereas you suppose retrenching one-fourth in the new coinage; suppose it was but one-tenth, how would the matter be then?

Answ. Just the same; for *magis et minus non mutant speciem:* But it were better you supposed that one shilling were to be taken for 10 or 20, then the absurdity would be itself so visible as to need no such demonstration as is needful in such small matters as common sense cannot discern; for if the wealth of the nation could be decupled by a proclamation, it were strange that such proclamations have not long since been made by our governours.

Qu. 12. Will not some men, having occasions to buy commodities in foreign parts, carry out all money, and so not vent or export our own commodities at all?

Answ. If some English merchants should be so improvident, yet the foreign merchants would buy up such English commodities as they wanted, with money brought into England from their respective countries, or with such commodities as England likes better than money; for the vending of English commodities doth not depend upon any other thing but the use and need which foreigners have of them. But were it not a folly for an English-man not to carry lead into Turkey, but go thither with money, in his ballast, and so lose the freight of the lead, which he might sell there?—and that a ship should come from Turkey with money, in her ballast also, to fetch lead from England, which might have been carried at first by the English ship? No, the art of a merchant is to consider all those matters, so as no prince's proclamation con-

cerning the weight and denominations of coins signifies any thing to foreigners when they knew it, nor to his own subjects *pro futuro*, whate'er disturbances it may make amongst them *pro præterito*. We say again, it were better for a prince owing 20*s*. to say he will pay but 15*s*. than, disguising his own particular purpose, to say that all landlords shall henceforth take 15*s*. rent for 20*s*. due to them by their tenants leases; and that he who hath lent a 100*l*. on the Monday, (the proclamation of retrenchment coming out on Tuesday,) may be repaid on Wednesday with three-fourths, or 75*l*. of the very money he lent two days before.

Qu. 13. Why is not our old worn unequal money new coined and equallized?

Answ. There may be many weak reasons for it; but the only good one which I know is, that bad and unequal money may prevent hoarding; whereas weighty, fine, and beautiful money doth encourage it in some few timorous persons, but not in the body of trading men. Upon the account of beauty, our Britannia half-pence were almost all hoarded as medals, till they grew common; for if but 100 of those pieces had been coined, they would, for their work and rarity, have been worth above 5*s*. each, which for their matter are not worth that half-penny they pass for; for in them, *materiam superabat opus*.

Qu. 14. Why hath money been raised, or retrencht, or imbased by many wise states, and so often?

Answ. When any state doth these things, they are like bankrupt merchants, who compound for their debts by paying 16*s*. 12*s*. or 10*s*. in the pound; or forcing their creditors to take off their goods at much above the market rates: and the same state might as well have paid but three-fourths of what they owed, as to retrench their money in general to three-fourths of the known weight and fineness. And these practices have been compassed by bankers and cashiers, for oblique considerations, from the favourites of such princes and states.

Qu. 15. It is then the honour of England that no such tricks have been practised, though in the greatest streights that ever that state hath been in?

Answ. It hath been their wisdom, and consequently their honour, to keep up a rule and measure of trade amongst themselves, and with all nations.

Qu. 16. But is there no case wherein money may be justly and honourably raised?

Answ. Yes, in order to regulation and equalizing of species of coins; as when two species of one weight and fineness are taken at different rates, then the one may be raised or the other depressed: But this must be rated by the estimation of the whole world as near as it can be known, and not by any private notion; and the like may be done between gold and silver.

Qu. 17. What do you think of the rising or falling of the price of lands, from this following instance, *viz.* A piece of land was sold 60 years ago for 1000*l*. that is, for a 1000 Jacobusses; and the same land is now sold for 1000*l*. or 1000 guineas, and the guinea is but $\frac{4}{5}$ the weight of the Jacobus: Is the land cheaper now than 60 years ago?

Answ. It looks like a demonstration that it is: Yet if gold be not money, but a commodity next like to money, and that silver be only money, then we must see whether 1000 Jacobusses would then purchase no more silver than 1000 guineas will now do: For if so, the land was heretofore and now sold for the same quantity of money, though not of gold; and is neither risen nor fallen by what hath been instanced.

Qu. 18. What is the difference between retrenching or raising of money, and imbaisng the metal of the same, as by mixing copper with silver?

Answ. The first is the better of the two, if such mixture be of no use in other things: For if 20*s*. which contains 4 ounces of silver, should be reduced to 3 ounces of silver, it is better than to add one ounce of copper to the same, in order to make four seem-

ing ounces as before: For if you come to want the said 3 ounces of silver mixt with copper, you must lose the copper upon the test, and the charge of refining also, which will amount to above 4 per cent.

Qu. 19. What do you object against small silver money; as against single pence, two-pences, &c.?

Answ. That the coinage of small pieces would be very chargeable, and the pieces themselves apt to be lost, and more liable to wearing; for little of our old small money is now to be seen, and our groats are worn away to three half-pence in metal.

Qu. 20. What do you say of money made wholly of base metal, such as farthings, &c.?

Answ. That the want of materials ought to be made up by the fineness of coinage, to very near the intrinsick value; or what is gained by the want of either, to be part of the king's revenue.

Qu. 21. Which is best, copper or tin, for this purpose?

Answ. Copper: Because it is capable of the most imitable and durable coinage, though the copper be foreign, and tin a native commodity. For suppose copper and tin of the same value in England, yet if 100 weight of tin sent to Turkey will fetch home as much silk as will fetch above 100 of copper from Sweden, in such case the difference between native and foreign is nothing.

Qu. 22. This doctrine may extend to a free exportation of money and bullion, which is against our laws: Are our laws not good?

Answ. Perhaps they are against the laws of nature, and also impracticable: For we see that the countries which abound with money and all other commodities have followed no such laws: And contrarywise, that the countries which have forbid these exportations, under the highest penalties, are very destitute both of money and merchandise.

Qu. 23. Is not a country the poorer for having less money?

Answ. Not always: For as the most thriving men keep little or no money by them, but turn and wind it into various commodities to their great profit, so may the whole nation also, which is but many particular men united.

Qu. 24. May a nation, suppose England, have too much money?

Answ. Yes: As a particular merchant may have too much money, I mean coined money, by him.

Qu. 25. Is there any way to know how much money is sufficient for any nation?

Answ. I think it may pretty well be guessed at; *viz.* I think that so much money as will pay half a years rent for all the lands of England, and a quarters rent of the housing, and a weeks expence of all the people, and about a quarter of the value of all the exported commodities, is sufficient for that purpose. Now when the states will cause these things to be computed, and the quantity of their coins to be known, which the new coining of their old money will best do, then it may also be known whether we have too much or too little money.

Qu. 26. What remedy is there if we have too little money?

Answ. We must erect a bank, which, well computed, doth almost double the effect of our coined money: And we have in England materials for a bank which shall furnish stock enough to drive the trade of the whole commercial world.

Qu. 27. What if we have too much coin?

Answ. We may melt down the heaviest, and turn it into the splendour of plate, in vessels or utensils of gold and silver; or send it out as a commodity, where the same is wanting or desired; or let it out at interest, where interest is high.

Qu. 28. What is interest or use-money?

Answ. A reward for forbearing the use of your own money for a term of time agreed upon, whatsoever need your self may have of it in the mean while.

Qu. 29. What is exchange?

Answ. Local interest, or a reward given for having your money at such a place where you most need the use of it.

Qu. 30. What is the trade of a banker?

Answ. Buying and selling of interest and exchange: Who is honest only upon the penalty of losing a beneficial trade, founded upon a good opinion of the world, which is called credit.

Qu. 31. You were speaking of base money and farthings, which are generally below the intrinsick value, and therefore ought not to be permitted to increase *ad infinitum.* Is there any way to know how many were enough?

Answ. I think there is: *viz.* Allowing about 12*d.* in farthings to every family; so as if there be a million of families in England (as I think there be) then above 50,000*l.* in farthings would suffice for change; and if such farthings were but one-fifth below the intrinsick value, the nation would pay but 10,000*l.* for this convenience: But if this way of families be not limitation enough, you may help it by considering the smallest piece of silver money current in the nation; which how much lesser it is, by so much lesser may the number of farthings be: The use of farthings being but to make up payments in silver, and to adjust accompts; to which end of adjusting accompts let me add, that if your old defective farthings were cryed down to five a penny, you may keep all accompts in a way of decimal arithmetick, which hath been long desired for the ease and certainty of accompts.

Qu. 32. What do you think of our laws for limiting interest?

Answ. The same of limiting the exportation of money; and there may be as well laws for limiting exchange also: For interest always carrieth with it an ensurance *præmium*, which is very casual, besides that of forbearance: For instance, in Ireland there was a time when land (the highest security) was sold for two years purchase; it was then naturally just to take 20, 30, or 40 per cent. interest, whereas there the law allows but 10. And since that time, land being risen to 12 years purchase, responsible men will not give above 8, and insolvent men will offer cent. per cent., notwithstanding the law. Again, suppose a man hath 100*l.* of land, worth 20 years purchase, and another 100*l.* in houses, worth 12 years purchase; and another 100*l.* in shipping, worth 2 years purchase; and another in horses, worth six months purchase; is it not manifest he must have a greater yearly *præmium* for lending his house than his land, his ship than his house, and his horse than his ship? For if his horse be worth 100*l.* he cannot hire him out for less than 10*s.* per diem, whereas the land will not yield a groat for the same time; and these hires are the same with interest.

To the King and both Houses of Parliament, in Parliament assembled.

THE proposal contained in this paper is (with submission) conceived of general advantage to the kingdom, and thereby sufficiently recommended to obtain admission to present itself before you, whose providence and justice secure the proposer of a readiness to embrace and promote whatever may improve the welfare of the publick: 'Tis his part to make the proposal appear of advantage to your common interest, wherein the welfare of the publick consists.

The Proposal.

That an act of parliament may pass for building and fitting out with expedition, a fleet of 500 busses, of about 70 tuns burthen a piece, to be employed in fishing of herrings, cod, and ling, in his majesty's seas; and the profits to be disposed for the increasing of the said fishing vessels to the number of 2000 or thereabouts, as it will be thought necessary; and after the paying of publick debts, and the defraying of all necessary charges, the property of the said fleet to be settled in the crown.

The Advantages.

A fleet of 2000 busses will employ yearly at sea, at 15 men to a busse, 30,000 men, besides at least 30,000 more at land, in the service of the fleet: It will save the kingdom 300,000*l.* per annum, paid yearly to the Dutch for fish taken by them in his majesty's seas, and sold to the English,—besides as much more in taxes to the poor. The first year the said 2000 busses sails, may (with God's blessing) defray the whole charge of building, tackle, victualling, fitting out, officers and seamens wages for that year, with an overplus of 1,835,033*l.* 6*s.* 8*d.* and will every year after, *communibus annis*, as long as the fleet lasts, yield his majesty the clear profit of at least 2,644,033*l.* 6*s.* 8*d.* which is demonstrated as followeth:

				l.	*s.*	*d.*
Fish usually taken in busses of 70 tuns, *communibus annis*, is at least - - -	Herrings 100 last, worth *de claro*, at least - - -	1000		2250	00	00
	Cod 15,000 worth *de claro* at least	0450				
	Ling 1000 worth *de claro* at least	0800				
The charge of a busse 70 tuns the 1st year (ready to be demonstrated) will not exceed - -	Building and fitting for sail - -	0403	10 00	1332	09	08
	Victualling and furnishing with lasting and wasting commodities	0695	18 08			
	Officers and seamen's wages - -	0233	01 00			
	Remains profit *de claro* each busse,			0917	10	04
Which for 2000 busses for the first year will be clear profit, - -				1835033	06	08
Profit of each busse after the first year, as above - - - - -				2250	00	00
Charge of fitting, victualling, salaries, and wages - - - - -				0928	19	08
Profit *de claro* of each busse - - - - - - - -				1321	00	04
Which from 2000 busses will amount to per annum - - - -				2647033	06	08

This fleet will be a nursery of seamen no less necessary than useful for asserting his majesty's dominion of the seas, and the rights of his crown, in regulating trade against the encroachments of strangers.

The profits of this fleet will lessen the necessity of taxes for support of the government, and will improve the value of land, and the wealth of the nation, by saving 300,000 pounds now yearly exported by the Hollanders, for fish bought of them, and by the importation of coin from abroad by vent of fish, taken and sold by his majesty's subjects; the monopoly of fish taken by the Hollanders in his majesty's seas being one main support of that government.

As to men and materials for the fleet, there will be sufficient of both, unless money be wanting to carry on the design.

I. The interest of the king doth concern every particular person; his undertaking of it is for every man's advantage; whatsoever he gets thereby saves the nation so much in their purses: For if the king gains as much by this as will maintain his crown and dignity, his majesty may in time come to have the less need of parliamentary taxes; he may also alleviate his customs as low as any nation whatsoever, which will bring the trade of Holland, &c. into this kingdom, invite all ingenious manufactures into the nation, as well as rich men into this kingdom, and the rest of his majesty's dominions, and also will preserve the peace of this nation from being disturbed and violated, more than private persons or corporative bodies will or can do in their undertaking of it, who cannot protect the fishing fleet from the attempts and injury of strangers, and may be apt, upon evil instigations and discontents, to strengthen either domestick or foreign enemies, with their power both of shipping and mariners.

II. That money is wanting is the considerable objection, and the same that lay in Columbus his way; and had it not been removed by supplies of men, money, and ships adventured by Spain, upon far less probable grounds of advantage than here are proposed, it had lost to that crown, as it did to this and to the French, the first discovery of the mines in the Indies; but this is addressed to his majesty, and his parliament, for raising six hundred thousand pounds, whereof one hundred thousand pounds to be imployed for docks, and for store-houses and wharfs, adjoining one to the other, that the goods may be conveyed from the wharfs to the store-houses, without the charge of carting, (which said sum will be demonstrated an ample fund,) to carry on and complete this design worthy their encouragement, and reserved by providence (after the weak essays of former times) to be perfected under the auspicious government of the best of princes, and wisest of parliaments, who cannot neither want either power or will to complete what appears so clearly and eminently advantageous for the publick good, and the interest of the kingdom, and in order thereto to raise the fund proposed, and to secure the imployment of it to the use it is designed for.

III. The proposers are ready, when commanded, to demonstrate at large the facility of bringing the design to effect, the probability and greatness of its advantages when effected, and the necessity of it in order to any considerable improvement of the wealth, strength, and honour of the nation: And, as to the objection, they doubt not but to clear all can be made against it, except that of the want of six hundred thousand pounds to carry on the work; yet they conceive they have already removed this objection, by having demonstrated the return of this fund with so great an increase into the publick coffers, and presented that demonstration to them, who have power to give and lay out the money proposed, but cannot lay it out to better advantage, for improving their and their posterity's safety, honour, and wealth, than by bringing to perfection this design; which is not the project of a private brain, but an enterprise of publick good, approved by Queen Elizabeth, and, upon solemn and mature deliberation, embraced and encouraged by King James, Charles I., and his now majesty, and their several privy councils, and furthered by several grants unto the great seal of England, in the respective reigns of the princes last mentioned; and by this present parliament, by a vote of the honourable house of commons, 17th February, 1670, That a bill should be brought in for encouragement of the fishery.

S. WATSON.
S. WATSON.

Licensed March the 26th. Ro. L'Estrange.

The Case of His Majesty's Sugar Plantations.

BEFORE England had any sugar plantations of its own, Portugal had about four hundred thousand pounds per annum for sugar from England, to the great inriching of Portugal, and impoverishing of England.

The Portuguese having set high customs upon their sugars, and letting none trade at Brazil but themselves, gave the English encouragement to adventure upon planting it, who have so increased, that they not only supply England with all the sugar it wants, whereby 400,000*l.* paid Portugal formerly for sugar is saved; but great quantities of sugars have been transported to foreign markets, to the vast increase of the wealth of the kingdom, and by consequence the value of the lands of England.

In the trade to the English sugar plantations, about 400 sail of English ships, and 8000 seamen, are annually employed.

All the ships that go from England are loaden with manufactures and provisions for the supply of the plantations, with cloaths, tools, and utensils, and victual, which all pay custom to the king outward, and on which many families in England do subsist.

The planters have, at their cost, brought above 100,000 negroes from Africa, whereby so many new subjects are added to the crown.

The French king, taking notice of the great wealth and strength the sugar plantations bring to the kingdom of England, and also of the difficulties the English plantations are under, by reason of the acts of trade and navigation, which enjoining all the sugars of the English plantations to be brought home to England, and there to be landed, and pay the king a custom before it can be transported to any foreign markets, which is a great charge, hath thought it feasible, and with great application hath set himself to become master of that trade; and the Dutch hath done the same, and granting more ease to their planters, in producing and disposing of their sugars, than the English have, the French are so far increased, that their sugar plantations, which are Martinico, Guadeloupe, Marigalant, Grenados, St Christophers. Kayan, and part of Hispaniola, do already find an employment for two hundred sail of ships, and seamen proportionable, and are increasing daily: And the Dutch have already many ships annually loaden with sugar from Surinam, which they make a business of state to improve.

This increase of the sugar trade of the French and Dutch, hath brought those sugars that were worth between five and six pound the hundred weight, when the last book of rates was made, to be worth now not above thirty-five shillings, out of which the planter pays five shillings custom, and fourpence half-penny per hundred to the king in the plantations; insomuch, that an estate that was formerly worth two thousand pound per annum in the plantations, is not now worth six hundred pound per annum; and if any further imposition be laid, will yield little or nothing, to the undoing many thousand English families, many of which reside in England; for which reason the planters intended to have addressed to this parliament, for reducing the book of rates to the present value of sugars.

This low value of the commodity causes the inhabitants of the English colonies to forsake them, and remove to other places, whilst the King of France useth all imagin-

able industry to strengthen and fill his plantations (some of which are in sight of ours) with inhabitants, having made Dunkirk a free port for his own sugars, where no customs are paid in or out, by reason of which the markets of Flanders and Holland, &c. are furnished with French sugars at two shillings and sixpence per hundred cheaper than the English can, by reason of the acts of trade and navigation.

This increase of the strength of the French plantations, and decrease of the English, hath made many of the planters consider of withdrawing their stocks, for fear, if a war should happen with France, all would be lost.

The English sugar trade being apparently decaying under the present impositions upon sugar, can by no means bear more and subsist; and it is of great advantage to France to have our plantations ruined by more impositions on their sugars; for should the French gain the sugar trade from the English, England would lose the imployment of four hundred sail of ships, and eight thousand seamen, and France would gain it, which would differ the present balance of seamen sixteen thousand, besides the loss of a native commodity, that hath brought so much wealth to the kingdom, and would also be the loss of the trade of Africa for negroes.

It hath been ever the practice and policy of trading nations, to set the publick taxes on foreign commodities, and not those of their own growth.

In the time of the usurper Cromwell, when all things were raked into to find a revenue to support his usurpation, no excise was put on sugars of the growth of the English plantations.

England is an island whose wealth and strength consists in trade, which cannot be preserved but by being master at sea; and the plantation trade is near one half of the navigation of England, and whether it be so convenient to hazard the loss of it by overburthening it, since an imposition may be set on commodities of foreign growth, that will be equivalent, is humbly submitted.

And whereas some seem to be of opinion that an imposition will fall upon the buyer only, and not hurt the planter, it is a mistake for the reasons following:

For it was found by experience in the time of the late rebellion, when there was an excise imposed, the buyer refused to buy commodities of the importer, unless he would clear the excise, so that the importer came generally to pay the excise as well as the customs. And it is well known, that all commodities are in value as there is a greater or lesser quantity of them at the market. If the imposition doth not lessen the quantity of sugar imported, it cannot raise the price, and then by consequence the imposition must be borne wholly by the planter. If it doth lessen the quantity of sugar imported, it lessens the imployment of our shipping and seamen, and the king's revenue, and will constrain those planters who are forced to leave making sugar, to forsake the plantations, as having no imployment there, which will so weaken them of defendants, as they will be in hazard to become a prey to the French or their own negroes; which will be a total loss of that trade to this kingdom, and be the ruin of many thousand English families, who in England and the plantations subsisted by that trade of making sugar, or by furnishing cloaths, tools, and utensils.

The Antiquity, Legality, right Use, and ancient Usage of Fines, paid in Chancery upon the suing out, or obtaining some Sorts of original Writs returnable into the Court of Common Pleas at Westminster. By Fabian Philipps, Esq. one of the Filacers of the Court of Common Pleas at Westminster. Printed 1663.

Longævi temporis usus et consuetudinis non est vilis authoritas.—BRACTON, lib. i. cap. 3.

Of the author of this tract, Anthony Wood has given us the following account:—"His father was Andrew Philipps, of an ancient family in Herefordshire, born to a good estate in Lempster, and near it, and his mother was a Bagshott, of a good family also, and heir of one of her brothers. When he was young he spent some time in one of the inns of Chancery, and thence translated himself to the Middle-Temple, where, by his assiduity and continual lucubration, accompanied with a happy memory, he became a proficient in some sorts of learning, and at length a great lover and adorer, and well versed in some parts of, and in venerable antiquity. He was always a zealous asserter of the king's prerogative, and so passionate a lover of K. Charles I., that, two days before he was beheaded, he wrote a protestation of his intended murder, which he printed, and caused to be put on posts, and in all public places. He was afterwards, if not before, philazer for London, Middlesex, Cambridgeshire, and Huntingdonshire, and did spend much money in searching and writing for the asserting the king's prerogative, yet got nothing by it, only the employment of one of the commissioners appointed for the regulation of the law, worth 200*l. per an.* which lasted only two years - - - - - At length, having lived to a great age, he surrendered up his soul to God on the 17th of Nov. 1690, and was buried near to the body of his wife, in the south-west part of the church of Twyford, near to Acton, in Middlesex. Some years before he died he made his own epitaph, which begins thus: *MS. Fabiani Philipps Armigeri, Medii Templi socii, qui quosdam perfidos et ingratos nimium amicos amando, seipsum non uti potuit, amavit, curis librisque consenuit,* &c."—WOOD's *Fasti*, II. 3.

The reader may consult the *Athenæ Oxoniensis* for a long catalogue of Philipps's writings, chiefly regarding the law of England.

To the Honourable Sir Harbotle Grimston, Bart. Master of the Rolls.

SIR,

IF the Holy Scriptures had not told us that rebellion was the sin of witchcraft, we have had cause enough to believe it; when, in the evil days of our last twenty years unhappy wars and confusions, we have seen so very much of the folly and madness of that soul, as well as kingdom-destroying sin, and perceived all that traded therein to have met with Circes, and the fate of Ulysses his companions, and to have been almost transformed into swine, who muzling in the earth, and looking for some filth agreeable to their brutish appetite and diet, can, without any remorse or pity of better things, turn and overturn, spoil and trample upon the fairest flowers; and are at the best no otherwise to be esteemed than as men bewitched, or hugely misled by their own fancies, and arrived to a degree beyond fanaticks, and as near unto madness as the most outragious inhabitant of Bedlam: When, as in the beginning of the long and unhappy

parliament in the year 1641. it was their common outcry that the laws of England were their birth-right, they should be most miserable if they did not enjoy them, could after that, without any just cause, take arms to defend and preserve them, and employ themselves, their wives and children, in a procession or pageant to dig and make outworks and fortifications about the city of London, to secure their laws and liberties, when in effect they did but keep them out; and after that, engage themselves, and as many as they could enforce unto it by an illegal league and covenant, to maintain them, and yet after the king's murther, by that rebellious contrivance, and the consequence of it, and a declaration made and published by those that calling themselves a parliament, that those laws were most suitable to the good and constitution of the nation, could, in the hirecano of their pretended reformation of the same laws, agitated and driven on by a mechanick party that did not understand them, endeavour all they could to subvert and take away those very laws, as they had done the lives of many, and the estates of most of those of the king's party, who really, and not hypocritically, fought for them and their king, and adventured all they had in it; and in that furious, ignorant, and self-seeking humour of reformation, could like nothing but what came out of their own groundless imaginations: The discipline and orders of the church were looked upon as Antichristian; the laws were pretended to be chargeable, dilatory, and Antichristian; the equitable sense of laws and scripture of their own framing and picking out were more (as they said) to be esteemed, than the better or learned interpretations of them: The inward spirit and intentions of men were to be the rule of all our justice and actions: Old customs and constitutions were to pass away, and be laid by, and the new inventions and notions acted (as they foolishly imagined) by a more divine light, were to take place, and rule in the stead of them. In order whereunto the common people were taught in all their discourses to make that which before they had taken so much care of, to be as a by-word or reproach; the law itself must be called a cheat, and the lawyers, whom the heathen could stile[1] *Sacerdotes Justitiæ*, and our christian fore-fathers, *Laudabile genus hominum qui in campo justitiæ tanquam athletæ militant*, so hated and threatened, (except at such times as they had need of them) as it was some danger to wear a gown; and one of their mighty mechanick commanders threatened to pull off their gowns, and hang them up in Westminster-hall among the Scotch colours. The judges were many times threatened to be pulled out of the courts, and from their tribunals; the inns of court, the nurseries of the law, designed to be turned into brew-houses, tenements, or garrisons, and places for quartering of their rabbi red-coat soldiers. That which was in our law-books of French or Latin, must be translated, and the writs, process, and pleadings put into English; and they knew not right reason, the original and foundation of all laws, nor the way or method of it, would like no law further than their vulgar and shallow understandings could come up unto it: And where they might or could reach it, found it to be no loss unto themselves to pull down old laws and constitutions, to the end they might be gainers by the invention of setting up new. Every thing but themselves were grievances: The moral and judicial laws of Moses were commended and desired to be introduced by some, and those of Holland and Scotland by others; that parliament not long before as much adored by a factious and rebellious part of the people, as the rebel Israelites did their golden calf; when nothing but the parliament was to be the standard of their religion and conscience; now seemed unto them not to be well constituted, or in equal frame or balance, but would be much better if the Venetian balloting-box were cast in amongst them, the military officers and commanders, many of whom could not read English, and worse write it, busying themselves in reading Livy and Plutarch, and other heathen authors translated into English, and not well observing the many

[1] Constitut. Othoboni in Lindwood.

mutinies, seditions, dangerous and troublesome alterations and changes, which the people of Athens and Rome had sadly experimented and dearly paid for, and how those levelling humours, by necessity, as well as fate, fell afterwards into the better state and condition of monarchy, thought nothing so good and profitable for the good of the people and of themselves (more especially) than to advance and increase the changes of government, which was most commonly cast into a frame and design of their own interests. Every common soldier thought himself as wise and as fit to frame a commonwealth as Lycurgus or Solon; and pretended that their business was not only to fight, but to be legislators and superintendents of our parliaments as well as laws; they were to bind and limit them to their (silly as well as knavish) contrivances. The lands of the crown, church, and loyal party, were to be a part of their land of Canaan; and they were to make what further progress they could in the altering of laws and customs, hitherto, and through many ages, so very much approved: Put down the old offices and employments, and erect new; and the citizens and men of trade finding fault with all but the multiplied deceits and knaveries of their own trades; which, with the adulterating and enhauncing of all manufactures and commodities, have not only lost and spoiled our trade in foreign parts, but do, by the connivance of their companies or mysteries, and for want of a due execution of laws, and regulations of falshoods, yearly cozen and cheat the people at home, as much as amounts to some millions of sterling money, or a great deal more than doubles our taxes, and not understanding the right reason, just ends and intentions of our laws, nor distinguishing betwixt the right use and abuse of laws, of the which only the cozening part of the people are guilty, neither contented to have gained so much as they had done by the law and its residence at London, could not be satisfied unless they could pull it all in pieces, and make a merchandize of it; and believed a citizen in a committee, by the study and help of a diurnal, being the tinder to the greatest of all rebellions, to be as grand a statesman as the late Lord Burleigh, or as if he had been bound apprentice to Solomon, and served out his time in the compiling of his Proverbs: And their multiplying costly orders at six shillings and eight-pence, or ten shillings a piece for a few lines, to be as great a blessing and refreshing to the people, as the land of promise was to those that had endured a forty years tedious journey through the wilderness; and when, as too many of themselves were, and are by their tricks of trade, the grand and superlative grievances of the kingdom, could at the same time raise their false and groundless clamours and scandals against the king, the church, and the laws, because he would not quit his regalities, and suffer a rebellious and prevailing part of the people to enslave the residue, though our religion and laws did forbid it. In the midst of which frenzies, whilst the tradesmen did drive on the soldiers, many of whom had been their run-a-gate, or cast-off apprentices; and the soldiers were driven on and encouraged by some lecturers, and men of extempore nonsense, rather than divinity; and the devil leading them with his new lights, and false expositions of scripture, and a gaining ungodly part of the people, were busy in plundering and oppressing the loyal, honest, small, and remaining part of them, and used our excellent laws and customs as the Bactrians are said to do by their parents when they are sick or aged, and set their *canes sepulchrales*, dogs kept on purpose, to tear and devour them: It would have been a wonder how any of the most refined right reason or constitution of our laws could rest in quiet, when the graves of some of our British or Saxon kings were in a most unchristian and barbarous manner opened and disturbed, and their dust and bones cast into the air and high-ways, and the Book of God itself suffered a kind of martyrdome, in their suspecting the original, and covering the sense and meaning thereof with ridiculous notions and ignorant interpretations.

Or that a very innocent and legal part of the king's revenue, so well employed in the support and administration of justice, should escape a disturbance: and therefore

the fines which were usually, and through many past centuries and ages, paid in Chancery upon all original writs in personal actions, wherein the debt or damages demanded exceeded forty pounds, must have its share in the suffering under those grand and continued persecutions of truth, loyalty, and right reason, and be forbidden by an act of a factious part of the people, supposing themselves to be the commons of England, assembled in parliament, and sacrificed but to the pretended liberties of the people, to the intent to leave them as little as they could of their liberties in greater matters: which being, with other of our good laws and customs, worried and cryed down by the causless outcries and clamours of those that better understood their own evil purposes and designs in it, than the original institution, benefit, and right use of them, could not rise again, or be revived, until that happy restoration of our king, religion, laws, and liberties; nor then neither, without the cicatrices and scars of the wounds under which they formerly languished; and as the imagination, being once hurt, is seldom ever after free from those melancholick impressions which it once harboured, so did those of a necessity of reforming our laws, or of supposed evils or grievances in them, beget an ill opinion in the minds of the people, where yet it sticks so much, as some well-meaning and good men are not so willing as they should be to abandon the causeless suspicions and prejudices which they had entertained of them: and those illusions, and inconsiderately received impressions, have as yet kept up in too many the humour of endeavouring to overthrow those and many other of our good laws and constitutions, which, if understanding or knowledge may be the judges or touchstone of them, will appear to deserve a better usage.

The more than ordinary misapprehension whereof, by those that build upon no better a foundation than the ignorance of its legal, original, and right use, hath summoned my duty to our sovereign and his laws to hinder, what I may, the unjust censures and ill-advisedness of some people, who are as ready to cast away their own good, as those who, to avoid a little cold, which their delicacy, and a surfeit upon peace and plenty, cannot perswade them to indure, can think it to be no small part of prudence to tear up and burn the planks of the ship wherein they are sailing at sea, and far from the shore, and run the inevitable hazard of perishing by the fury of a cooler element; and that I might satisfy such as mislike the payment of fines in Chancery upon some original writs, and that it hath for many ages past been a most legal and useful part of the crown revenue, without any the least of grievance to the people, or our so often reiterated Magna Charta, or any other our laws or liberties; and shew them that the usefulness and legality of it is not taken away or diminished, because a part of it is paid or goeth to the support of the lord chancellor, or lord-keeper of the great seal of England, for the time being, in that great and as eminent as careful place of administration of justice, in granting writs remedial, or abating by moderation and equity the rigour and justice of the laws, many times too unconscionably made use of, or put in execution by the people, one upon the other, who are to be enforced and kept from being over severe, or taking unjust advantages one upon another, which hath taught the most of nations to look upon that high and superlative officer of state as greatly necessary; and to give him allowances becoming so great and honourable a charge and employment; insomuch as the very thrifty and prudent commonwealth of Venice, well understanding the use and dignity of that great officer in most of the kingdoms and nations of Europe, and the necessity of his honourable support, do think it requisite to allow their *gran cancelliero* a great revenue out of the publick stock.

And that it cannot be a grievance, that the master of the rolls, and cursitors in Chancery, are allowed some part of that small part of the king's revenue for their support and encouragement, which would be more chargeable to the people, and be more unequal, and not consist so well with the rules of justice, if it should be raised by any

other way or contrivance, to give them a recompence proportioned to their cares and labours.

Which my endeavours I have presumed to offer unto your view; not that I can believe that your known integrity, sincerity, and care of justice in that honourable office and dignity, wherein his majesty hath worthily placed you, can, by any biass of self-interest, lead you to a better liking or approbation of these my labours, in the vindication of a legal duty, which so many are ready to throw stones at; and do dislike it, not because it is not a friend to Cæsar, but because it is. But that I can be sure to be well weighed in the balance of judgment by you, who, in the times of our unhappy wars and turmoils of the pen and sword, when the seas roared and swelled, the winds and waves cuft each other, and mountains and short-breaking seas did only busy themselves to run over one another, would not, like the representation of our old Britannia, sit safely upon the rocks, and contemplate the fury of the seas, but would with your boat adventure to launch into the deep, and help to rescue, as well as you could, the ship of the commonwealth, which, by the inconstancy of winds and weather, and the rage of many waters, had lost her anchors, rudder, masts, and cables, and was ready to dash upon the next rock she met with, or founder or sink into the bottom of an unmerciful heap of waters; and, when the law was in extremes, and at the last gasp, did, like the undespairing Roman that bought a field when Hannibal being at the gates with a conquering and prevailing army, had put Rome into more than an ordinary fit of an ague, publish those excellent Reports of your learned father-in-law Justice Croke, to tell, as well as instruct the students of our laws, that our laws would notwithstanding, like the triumphant lawrel and peaceful palm, be green again and ever flourishing; and did, together with some other good patriots and well-wishers to your king and country, adventure your estate, and not without some hazards and dangers, did, by all the rocks, shelves, and quick-sands, more perilous than those of Goodwin, over the Scylla of a guilty party on the one hand, and by the Charybdis of a prevailing interested party of the other hand; and of as many more difficulties as, summed up all together, made a miracle, help to bring into the port or haven that weather-beaten and distressed ship, fraught with the invaluable riches of the hopes of England, and restorer of our peace and plenty; who hath built up and repaired our Jerusalem, and brought our religion, laws, and liberties from its captivity, and the waters of Babylon: in contemplation whereof, his majesty, well understanding how much it would conduce to the good and welfare of himself and his people, did intrust you with the keeping of his records, being the evidences of the people, as they were called in an act of parliament in 43d E. III., together with those which have been since added thereunto, and do now remain in the Tower of London and in the high court of Chancery; and with the dispensing of equity and conscience in causes accustomed to come before you: in which great office and employments, and care for the common good, that you may long continue, is, as it ought to be, the hearty well-wishes and desires of all that know you: amongst whom you cannot err, if you shall please to number

Your most humble servant,

FABIAN PHILIPPS.

The Antiquity, Legality, right Use, and ancient Usage of Fines, to be paid in Chancery upon the suing out or obtaining some Sorts of original Writs returnable into the Court of Common Pleas, Westminster.

The payment of fines upon original writs in England was, anciently and originally, not as any exaction, purchase, or money given to defile or betray justice, but as retri-

butions or oblations to the prince, or supreme magistrate, for his grace and favour in granting writs remedial, and as some recompence of his charges and care in causing justice to be done to all that have need, or should seek for it.

And some or such like payments to the magistrates or ministers of justice were in use, more than two thousand years ago,[1] amongst the Grecians, the grand pretenders to morality and justice, that greatest of the virtues, where, besides a certain sum of money deposited by the plaintiff for the making good of his action or complaint, he against whom judgment was given did pay a fine as a *vectigal temerariè litigantis.*[2]

And when judges were appointed for the hearing of a cause, who, amongst the Athenians, were in many civil causes but as *arbitri* or arbitrators, constituted by more supreme judges or magistrates, they were to meet at the place for them ordained, there expect both parties until the evening; at which time, if neither, or but one of the parties appeared, it was in their power to fine the party neglecting, according to law. And at the time they entered the suit, and wrote the accusation, with the fine which was required for damages, the judges received, as a fee from the plaintiff, one drachm, which, according to the Attick valuation, was in the lowest account seven-pence half-penny, and the Œginean, twelve-pence half-penny.

And are nothing like either a burden or oppression, when it shall be, as it ought to be considered, that amongst the Romans,[3] who imitated them, and were so exact and curious in their justice as they would not a great while permit their magistrates, prætors, or lord chief-justices to take their wives with them into their provinces, *ne feminæ in avaritiam suapte natura propensæ, potentiæ subnixe provinciam expilarent.*[4] And that the plaintiff could not *vetustissimo jure*, by a most ancient law or usage go to law, as Varro tells us, nor the defendant be permitted to make his defence without an equal or certain sum of money deposited both by the plaintiff and the defendant, which the *sponsiones, sacramenta*, and *stipulationes* amongst the ancient Romans do testify, and that of the monies deposited as well by the defendants as the plaintiffs. *Qui judicio vicerat suum sacramentum, id est, pecunia interpositum auferebat, victi ad ærarium redibat.* But that being found too troublesome, was afterwards reduced only unto the plaintiff's depositing of the tenth part of the money demanded, by undertaking that the defendant should have it, if the plaintiff did not make good his action.

Which Justinian,[5] at the time of his compiling the civil laws, finding almost grown out of use, and thinking it fit to abolish, did afterwards see cause enough to restore and set up again.

And it did come to be so usual and customary, as there were *gratuitæ oblationes*[6] for remedies in matters of right and justice, or for lawful favours, and they were sometimes, and not unfrequently, called, *Pennam auream quod tantum habeat dominus de assensu et subscriptione quod posset fieri una penna aurea*, were frequently offered and paid.

And the *primiscrinius*,[7] or lord chancellor, or *princeps prætorii omnium sportularum quæ à litigantibus solvebantur particeps erat, et majus stipendium quam ceteri officii summates percipiebat.*

Which necessity or custom of paying fines for suits or controversies was so well

[1] Sigonius, lib. 3. de Repub. Athen. 525, 530.

[2] Rous Archæologia Attica, 119, 135, et 136.

[3] Rosinus de Antiquitat. Rom.

[4] Hottoman in Parte Juris de Actionibus. Sigonius lib. 1. de Judiciis cap. 21. Varro de Lingua Latina. Bodin de Repub. lib. 6.

[5] Leg. ult. Antiq. Cod. Novel. 112.

[6] Math. de Afflictis in 4. cap. præterea Sect. et de Prohibit. Feud. alien. per Frederic. n. 6. et Frantzkius de Laudemiis.

[7] d. l. fi. C. de Princip. Agen. et Panciroll. 9 Comment. in Noticiam utriusq. Imperii.

liked by the Goths, and that inundation of northern nations, which, in the unwieldiness of the Roman empire and declension of it, had overrun a great part of its European territories, as though they hated the civil law, prohibited its use, and did all they could to destroy and burn the books thereof, it obtained amongst them as good an entertainment as it had formerly in the civil law, by an allowance of that manner of depositing of the *decimam partem litis.* Notwithstanding which they did also after judgment given *exigere*, and carefully collect their *fredas* or penalties imposed upon the vanquished by the judges, as the Salique and Alman laws[1] and customs do frequently evidence.

From whence it came to be in use amongst the old Franks, (now metamorphosed into the French,) a people once esteemed to be as free as their name imported, and taken to be the *custodes libertatis* of that part of Germany, there being then, and for many ages after, no other *expensæ litis*, or charges, given to him that prevailed in law, but the tenth part of the money so deposited, until that Charles IV. King of France,[2] who lived in the latter end of the reign of our King Edward II. made a law or decree *ut victus victori in expensis teneretur*, that the party condemned should pay the charges of the other party, yet so notwithstanding as the tenth part continued to be paid to the Exchequer, *sportularum et judicii nomine*, or as *mercedes judicantium*, for the rewards and fees of the judges and their maintenance.

In Hungary,[3] being an elective kingdom, where the people kept a continual guard upon their liberties in the *minori cancellariæ regis taxa*, they did not think it, in *anno* 1486, to be a grievance to pay for certain writs, or letters, a certain rate per cent. and for many other *juxta quantitatem possessionis seu rei obtentæ, habita concordia inter causantes et protonotarium.*

And was in other countries and kingdoms, by a custom of paying moderate fees in chancery upon the obtaining writs or process remedial from the prince or supreme magistrate, so allowable; as in that great dominion of Burgundy and its large extent of provinces, in *anno domini* 1383, which was in the reign of our King Richard II., the fees or rates of the chancery were set and ordained: *pour la lettre*[4] (a writ being no other than a short letter or rescript) *du petit seel pour le droit de monseigneur, six deniers, pour le droit du tabellion, 3 deniers et le coadjuteur, 11 den. littera 3 Francorum usq. ad 13 exclusive pro duobus juribus 2 solidos sex den. turon. de quibus dominus dux capit 17. denarios et tabellio reliquum coadjutor 20. denarios et sic in totum duos solidos cum denario litera 120 Francorum*, (being but seven pound English,) *15 solidos, 5 den. turon. debet de quibus dominus dux capit 10 solid. quinque den. turon. pro registro tabellio capit reliquam et pro coadjutore 55 den. in litera retentionis bestiarum*, (like our writs of *recordari* to remove plaints upon distresses,) *non computatur fructus neque domus*, &c.

Which the princes of the German empire, (a people supposing themselves to be very free,) in a diet under their emperor Sigismond, in *ann.* 1425, which was in the reign of our King Henry VI. did hold to be so legal and reasonable, as they ordained, That in *Cancellaria redemptiones literarum judiciarum et conservatarum tenetur antiqua consuetudo ejusdem cancellariæ;* and that for fees of writs in chancery, *pro literis generalibus, 24 denarii* should be paid, &c.

And in a diet holden in *anno* 1546 and 1548, which was in the beginning of the reign of our King Edward VI., the princes of Germany did ordain and limit the taxes *cancellariæ*, viz. amongst many other rates,[5] *pro simplici citatione unus florenus et quarta pars floreni.* And when an inhibition is inserted, *duæ floreni et duo partes floreni, &c.*

[1] LL. Salick et Alman. [2] Bignonius in Marculsi Formulas, 496. [3] In legibus Hungariæ Dercet. Mathie Regis anno 1486. Artic 76. [4] Consuetudines Burgundiæ, lib. de Gabels, 1787.
[5] Goldastus Constitutiones Imperiales, 264. tit. 33. et 447. tit. 25.

Atqui tamen cum æquum sit chancellariæ ob laborem et operam in qualibet causa habere rationem et æquam mercedem accipiat victores causarum quibus expensæ adjudicantur in omnibus causis in quibus nullæ sententiarum literæ, (which, before that time, usually paid great fees, and being accounted unnecessary, were left *arbitrio partis* whether he would sue them out or no,) *sumuntur teneantur se cum administratore laborum et operum ergo ad ipsius taxationem (quam quovis tempore juxta magnitudinem et qualitatem, adeoque conditionem causæ ac partium mediocri et tolerabili modo faciat) priusquam expensæ ad taxandum producantur, aut executoriales cancellariæ partibus conceduntur.* Notwithstanding that there is besides a *collecta provincialis, quæ Landsteur*[1] *vocatur, quæ non nudè in signum subjectionis, et vi absolutæ superioritatis, sed pro fructibus et emolumentis jurisdictionis; item pro curis et laboribus, necnon ob recompensationem expensarum quas domini facere et pati debent pro pace et quiete tenenda inter subditos, pro sua dignitate servanda, pro salariis officialium ad justitiam administranda exigitur.* Which *oblatas* or pledges before-hand towards the satisfaction of costs, and the fine, *pro falso clamore,* were in France by a law, or edict of Charles IX. made to be *vectigal judiciarum ad cohibendam litigatorum hominum indomitam et effrænatam licentiam, quo vix ullum* (saith[2] Bodin) *afflictis ærarii opibus utilius et Galliæ imperio litium innumerabili multitudine oppressos splendidius cogitari poterat:* a kind of revenue out of the law, to lessen or take away those great multitudes of law-suits with which France then abounded, which brought a great supply to the publick treasury, and produced the effect intended.

And our reforming brothers of Scotland have found so little fault with those or the like customs, as the lords of secret council and session (as they there are called) did, no longer ago than in *anno* 1606,[3] in the reign of King James the Sixth, by his commission limit and set down the prices or fees to the director of the chancery, which varied according to the qualities of the persons, and values of the matters or things, as twenty shillings Scots money for a second or third precept; and for a summons of error past the quarter seal, four pounds Scottish money; and to the keepers of the signet, ten shillings Scots money for a summons; which were ratified by act of parliament in that kingdom in *anno Dom.* 1621: and do at this day keep their chancery, and the fees and profits thereof so high, as for a defendant's entering into a recognizance or obligation in a suit depending before the lords of session, or court of justice so called, which, with us, without passing the great seal, would not have cost twenty shillings, being to pass the seals in their chancery, no less than forty pounds sterling is demanded for the incident charges thereof.

Long before which, and many of those or the like customs in other nations, the payment of[4] fines in England upon original writs issuing out of the chancery, did, by imitation of the Greeks and Romans, or the light and law of nature, and the same, or a like reason, very early come unto us: as may be perceived by that law of King Ina, in *anno* 720, when the defendant did *pignora deponere ante litem æstimatam;* and by the *Wytas, Overseunesses,* and *emendationes Pacis,* paid to the king in the time of our Saxon ancestors and King Henry I. and the *Sachas,* which were in that nature paid in those days to the lords of manors, upon suits or actions in their petty courts.

And it appears by the fine-rolls in the reigns of King John, Hen. III. Ed. I. Ed. II. and until 25 Ed. III., that fines were paid upon very many, if not all manner of writs original issuing out of the Chancery, and even upon actions of trespass; and being

[1] Besoldus de Ærario Publico Quest. 5. Simon de Prætis, lib. 3.
[2] Bodin de Repub. lib. 6.
[3] 23 Parl. Jacobi, anno 1621.
[4] LL. Inæ 63 LL. Edwardi Regis, 4 Edgari Regis 2 Canuti 12. Edwardi Confessoris. Gulielmi Conquestoris, LL. H. 1. cap. 35 et 53.

since 25 Ed. III. by the grace and favour of the Chancery and chancellors, (notwithstanding diverse petitions in parliament in that king's reign, to some of which he had given negative answers, and to others, referred them to the chancellor to deal favourably with them therein,) reduced to that which they now are, viz. where the debt or damage demanded and expressed doth exceed the sum of forty pounds, there is only paid six shillings and eight-pence; from thence to one hundred marks, and thence to one hundred pounds ten shillings, and so proportionably, according to that rate, as the sum of money demanded and expressed shall exceed the sum of one hundred pounds.

Which probably might be so limited or restrained, by occasion of a petition of the commons in parliament in the twenty-fifth year of the reign of King Edward III., where they did pray, That[1] *les graces de la chancellarie pour briefs avoir, ne sont deformes si dures ne si estreites come ore ont estre de novel quar home en prent ore en la chancellerie fins de chescun maner de briefs et ceux fins seront paier maintenant en le haneper que de ceo en arere ne estoit fait quel chose est si grand damage au peuble que gentz ne poient leur droit poursuier par reasone de le grand charge susdite et en grand arrerissement de profit le roy.* To which the king answered, *Il plest au roy que le chaunceller soit si gracious come il purra bonement, sur le grant des briefs considerant l'estat des persones quiles pourchasent.*

And may with probability and warrant enough be well conjectured to have been, if not as those ancient *depositas* which the Romans and the civil laws might long before have introduced, or as the customs in the empire, or large walk or extent of the civil or Cæsarean law, have brought into a well-allowed *praxis*, yet as *honorarias* or *oblatas*, retributions or free-will offerings of the people for favours received.

Of which some of the fine-rolls of King John's time[2] do bear that title.

Where it appeareth that *Abbas de Burgo dat. domino regi unum palfridum pro habendo brevi de nova disseisina.*

Johannes le Tanner dat. dimid. marcam pro habendo pone coram justic. domini regis apud Westemonasterium.

Magister Honorius Archidiaconus Richemund dat, unum palfridum pro capiendo quosdam excommunicatos.

And before the custom of giving or assessing costs, either to the plaintiffs or defendants, the plaintiff could not, as appeareth by the form of the original writs mentioned by Glanvil, Lord Chief Justice of England, when he wrote his book, *de Consuetudinibus Angliæ*, in the reign of King Henry II., prosecute his action upon an original writ, which was then, for aught appears to the contrary, long before used and accustomed, nor has any thing done by the sheriff, to whom it was directed, or any process out of the Court of Common-Pleas, where it was made returnable, before he had put in to the sheriff two real sureties or pledges *de clamore suo prosequend.* which for some ages after continuing, it was in the 36 Ed. III. ordained by an act of parliament,[3] That costs should be taken before the justices in the presence of the pledges, and that the pledges know the sum of their fine before their departing. But it being afterwards found to be an obstruction of justice, and a denial or delay of it, where poor men, or of low and mean condition were not able, or could not without great trouble or inconveniences before-hand procure sureties in their suits in seeking for justice, especially against rich or potent adversaries, (although the judges did by discretion of court not seldom, as the records do witness, *propter paupertatem*, dispense with the putting in of sureties to prosecute,) it did by reason of a more rational or speedy way and course of taxing or assessing costs, and putting in the same execution for the principal debt or cause of action, grow into a desuetude, and a meer formality of returning pledges or sureties for the payment of the costs to the party vanquishing, and the fines

[1] Ro. Parl. 25 E. 3. m. 29. [2] Fines 6. Johannis 10. [3] 38 E. iii. cap. 3.

which were before carefully collected for the king, and together with the *misericordias*, which upon *non prosequendos*, and upon every judgment, are now only entered with a *misericordia* in the margin, and made a considerable revenue to the king, (as by the estreat-rolls of the *iters*, or circuits, in the reign of King Edward I. may appear,) being not now imposed, the feigned and usual names of John Doe and Richard Roe, to avoid alterations in the *formulas* or proceedings of the law, and the evil consequences which do often happen by innovations, do only yet remain to tell us the former reason and design of the law therein.

Which payments of fines, upon the suing out of original writs in debt, for sums of money for which fines are to be paid according to the usage and course of Chancery, may be as warrantable as that which is not to this day complained of, or denied upon writs of *formedon*, and other real actions, but willingly paid in to the *hanaper* in Chancery; or that profit which heretofore came to the king upon the writs of assize of *novel disseisin*, where the sheriffs did before the statute of Westmin. 2.[1] take an ox of the disseisee, or of him which purchased an assize: And were by that statute commanded that they should not upon writs of assize (which were then the usual remedies in many real actions, and sometimes in trespass) from thenceforth take an ox of the disseisee, but of the disseisor only, nor receive any ox but of five shillings price or value. Or the half mark usually paid by the tenant (or defendant) upon the *mise* joined in a writ of right, that the grand assize might enquire of the time that the demandant alledged he was seized of the lands in question: "For it seemeth," saith Littleton,[2] who was a judge, and wrote his book after the fourteenth year of the reign of King Edward IV., "that the grand assize ought otherwise to be charged only to enquire of the meer right, and not of the possession," &c.

And was no selling and bargaining for justice, as some have groundlessly supposed; and may rectify their errors by a due consideration that for our Magna Charta itself, which was confirmed in the ninth year of the reign of King Henry III., and wherein *nulli vendemus justitiam* is provided and ordained, the people of England did give to the king the fifteenth part of all their moveables: That in the levying of fines for common assurance, there is and hath been anciently a *dat. domino regi*, money given or paid to the king, *pro licentia concordandi*, in the court of Common Pleas at Westminster: That for private acts of parliament at this day as well as heretofore, fees to the speaker of the House of Commons, and the clerks thereof, are usually paid without any sale of justice, or contradiction supposed of that branch of Magna Charta: That in the statute of 18 E. III. and the oath thereupon given to the judges, that they shall take no gift or reward, nor any fee of any person, there is an exception, unless it be meat, drink, or of small value.

For by the same reason that fines upon some original writs (for they are but upon some few) are supposed to be a selling of justice, the cursitor's fees ordained by the statute of Westminster the second, in *anno* 13 E. I. to be but a penny for every writ, which the price of victuals and way of livelihood (which is now a great deal more than formerly) considered, amounts unto as much as ten-pence for every writ, and will not now buy, as it would do then, the sixtieth part of an ox, which was then valued but at five shillings: And the fees of the virgers, and the chyrographer in the court of Common Pleas, and all those many other fees ordained by act of parliament, would be (as they are not) a selling of justice, and a breach of Magna Charta, and unwarrantable.

And howsoever those due and warrantable fees which are paid to clerks and officers of courts, and the fines which are paid upon original writs, (excusing greater fees to the

[1] Westm. 2. cap. 25. [2] Littleton, tit. Releases.

cursitors, who could not otherwise be contented with a pitiful fee of six-pence for the writing of every original writ,) cannot bear any proportion or resemblance of a bribe, or of the king's, or any of his judges selling of justice: And if it did, (as it cannot,) being always paid by the plaintiff, must then conclude that all plaintiffs must of necessity never or seldom fail of their designs or recovery, which daily experience manifestly contradicteth, nor can possibly be so understood, when, as in every action, the defendants do pay fees as well as the plaintiffs.

Neither can it be any breach of Magna Charta, or injury done to the clause therein of *nulli vendemus justitiam*; when as the wisdom of former as well as of later parliaments did always foresee and allow of a necessity of something to be paid to the judges, officials, or ministers of justice, in the obtaining or expediting of it, for a provision and maintenance to support and encourage them in giving a dispatch to the people who came for remedies to the court of justice, or the chancery.

And the statute of Westminster the second, which was not long after the making of Magna Charta, intended certainly just recompences to the clerks and officers, when it ordered them to use so great a diligence and care in the dispatch of justice to all that came for it, as *nè deficiat justitia conquerentibus concordent clerici*, &c. all good ways and means were so to be taken by framing and forming of writs according to every man's particular case, *ut nullus recedat á cancellaria sine remedio.*

For which the king was at charges to the officers and clerks of the Chancery[1] for robes and liveries to be yearly given them; and the keepers of the seal took care for their diet and other conveniences, as may appear by the usage and course of that court, in the[2] reign of King E. III., when the king conceived himself to be so much concerned in it, as writs were frequently sent to the sheriffs and bailiffs, *tam infra libertates quam extra*, to be aiding and assisting to the purveyors for the Chancery, in *diversis providenciis*, or purveyances, *de pane, vino, cervisia, carnibus, puletria et aliis victualibus feno avenis litteris et cariagiis ad opus ipsius cancellarii*,) the Bishop of Winchester being then chancellor,) *pro denariis suis solvend.* When as also the profits arising by the fines in those times, and long after, were collected and accounted for in the Exchequer.

And that or the like maintenance or support is again to be given to them, or the lord chancellor for them, if the king should not be pleased to allow the profits arising by his fines upon original writs in personal actions to the lord chancellor or lord keeper, and the master of the rolls, for the support of those high and honourable offices and places which they hold, and the cursitors for their better encouragement in the service of the king and his people in Chancery in their several orbs and employments; or otherwise the people, who will not do any thing themselves without pay, or sell their victuals to them without money, are to pay the cursitors such other fees as their attendance, skill, and labour shall merit.

And, therefore, if the statute of Westminster the second had not informed us, that besides their provisions and livelihood then provided for them, they had their *sportulas*, fees, and encouragements allowed them for making of every writ, which, with their victuals and necessary provisions, made a greater benefit, considering their then most commonly single and unmarried condition, than the cursitors fees and parts of the fines do now amount unto.

It will be no more improbable that the clerks and officers of the Chancery, when they either lived in the house with the lord chancellor, or had their diet and necessary maintenance elsewhere provided for them, had their *sportulas* also and fees for their labour and care in the making and dispatch of writs remedial, than that the secretaries and clerks attending upon a lord chancellor, or keeper of the great seal, or the judges,

[1] Claus. 24 E. III. [2] Rot. Pat. 7 E. III.

should, as they now have and ought to have, besides their diet, lodging and other necessaries, some fees and establishments for their rewards in their care and dispatch of businesses.

All which that parliament, which was almost in the infancy of our then lately settled and contested for Magna Charta, well understood when they limited and settled fees, and legal and just rewards in the courts of Chancery, Common Pleas, and King's Bench; and all our succeeding parliaments did the like in their creating other fees, or giving allowance to those which they found to be rationally introduced by time and ancient usage, though no original constitution, or creating of many of them by a law can be found, but only by the authority and power of courts and discretion of judges, or the light and guidance of common reason, which teacheth the clients themselves, or the most ordinary sort of men, to know how to reward or value benefits and accommodations received, and to proportion payments or satisfactions for one another's labours.

And King Richard II. was well informed of, when, by advice of his council learned in the law and otherwise, he did in the fifth year of his reign to the petitions of the commons in parliament, who prayed, That[1] *Come per le grand chartre soit ordene et affirme communement en touz autres parlaments que la ley ne serra point denie ne venduz nullui à contraire de que le chartre est use en la chancellarie de prendre fins pur diverses briefs avour à grant arrerisement de l'estat de touct le peuple et de la ley que plese ordener en ce present parliament que chescun qui vendra purchaser brief en la dite chancellarie eit le dit brief sans fin faire;* answer, That *nostre Seignor le Roy nentende mye de soi desmetra de si grant commodite quad este usez continualment en dit chancellarie si bien avant come apres la confection del dit chartre en temps de touz ses nobles progenitors qui dequis aient este Rois d'Engleterre.*

And is no more a buying of justice then the fees taken by the stewards of the lords of manors in their court barons, wherein an inferior sort of justice is administered when they take fees upon plaints and actions, and largely enough for admissions, surrenders, and licenses; or the fees which are taken by guilds, corporations, and companies of trades for binding or making free apprentices, or for quartridges to their halls, for the maintenance of the good and credit of their companies; or which is paid by the poor tankard, or water-bearers, at the conduits in London, where every one payeth three shillings and six-pence at his admittance, and a penny a quarter for the support of that poor and pitiful society.

No more a buying of justice than when every ship, trading to Leghorn or Smyrna, pays a certain rate of ten shillings per cent. towards the support of the consuls there resident, to assist them in the matters of trade, and procuring justice from the superiors of the territory.

Or the *espices*, or money in lieu of them, given to the judges and ministers of justice in France, in the parliament of Paris, or other parliaments or courts of justice in that kingdom.

But may be the more approved, when as our *sportulæ* and fees allowed in England are not without some resemblance (if it extend not to a direct pattern or warrant) of the courses held by God's own appointment in his righteous theocracy or government, which he himself framed for his chosen people of Israel; where the Levites and priests of the Jews, whose offices were not meerly or altogether ecclesiastical,[2] but having some mixture of civil affairs and judicature, as in the cases of leprosy and jealousy, hard matters and controversies, and the like, had, besides the forty-eight cities, with

[1] Pet. Parl. 5 R. II. pa. 1. nu. 88.

[2] Cunæus de Repub. Hebræorum, cap. 12. Grotius in Deut. 17, 19. 2 Chron. 19. 5, 6. Levit. 17, 8. Deut. 17. 8. Lev. 14. 19. Numb. 3. 47, 48. cap. 18, 11, 15, 16, 17. 18. Ezek. 46, 24.

their suburbs belonging, given unto them for their support and maintenance, some parts of the sacrifices and offerings, as not only to eat of the flesh of the sin and trespass offerings, but were to have the shoulders and heave-offerings, the wave-breast, and a part or oblation of every sort of oblations, with the redemption of the first-born of men, as casualties and fees happening unto them in their several offices and employments, by an eternal law and statute of God's own making, appropriate and allowed unto them. [1] *Qui quod pingue haberent otium, non tantum omnia legis, sed et medicinæ aliarumque artium diligentur ediscebant ut et Egyptii sacerdotes;* who, having leisure, did as the Egyptian priests, not only diligently study the law, but physick and other arts and sciences. *Ideoque* (saith the learned [2] Grotius) *primis sæculis ex illis ut eruditioribus senatus LXX. virum legi maxime solebat.* And therefore in the first ages the senate of LXX. were for the most part commonly chosen out of them.

Which the light of reason, that *divini luminis radius,* did so well inform other nations, as the Athenians would not think it fitting that their standing and continual senate, or court, and their judges, should be without their competent allowances and rewards: and their famous and popular orator Demosthenes understood to be so necessary, as, in his oration against Timocrates, he saith, [3] *Lex est vobis si qua alia præclara ut qui sacras publicasque pecunias possident in curia pendant, sin minus ut senatus ab eis legibus usus telonicis exigat hac igitur lege res communes administrantur, si quidem quæ in conciones, et sacrificia, et senatum, et equites, et alias res pecuniæ impenduntur hujus beneficio legis abunde suppetunt, cum enim vectigalia non sufficiunt quæ ad pensiones dicuntur metu legis hujus penduntur quomodo igitur non omnes reipublicæ partes dissolventur cum vectigalium pensiones non fuerint satis neque hac nisi in exitu anni capere liceat senatus autem et judices eos qui ad pensiones non solvant vinciendi potestatem non habeant quid agemus? non conveniemus? nec deliberabimus si opus erit et amplius popularem statum retinebimus? non judicabunt fora et privata et publica? non inibit senatus et tractabit ea quæ legibus continentur? at gratis scilicet hæc faciemus? quid vero iniquius est quam si ex lege quam tu mercede corruptus tulisti populus et senatus et judices mercede sua priventur.* And Sigonius, who had very learnedly and industriously searched and traced their customs, adds hereunto his own opinion, That [4] *hanc consuetudinem Atheniensium intuens. Aristoteles qui suos de reipublica commentarios diligenti omnium rerum publicarum observatione et maxime si quis attendat Atheniensis confecisse videtur scripsit populare maxime esse mercedem omnibus dare concionibus senatui judiciis et magistratibus et ex concionibus maxime ordinariis et magistratibus imprimis iis una esse et inter vesci quotidie cogerentur.*

For when the scripture itself can tell us, that *operarius mercede dignus,* the workman is worthy of his hire, or to be paid for his labour; and justice itself persuades it, if the client or party immediately concerned, who is most properly to do it, shall not pay it, the king is to do it by a stipend or salary yearly, to be paid out of the common treasury: which being to be furnished or supplied by the people, will return heavier again upon them, and lay a burden upon those which should not bear it, or never in their lives may have any occasion to sue for remedies at law, or be petitioners either as plaintiffs or defendants for justice.

And the defendants, and such as are innocent and victors, must in those publick assessments or contributions help to bear the prince's charges, and pay for the plaintiff's unjust vexations, if no fees or *sportulas* should be taken, but a constant and yearly salary should be given to officers and clerks, which, unless it be large, cannot probably be adequate to the skill, industry, labours, and fidelity of the officers and clerks, which, in the casualties and contingencies of actions and business, cannot well be foreseen, or

[1] Grotius Comment. in 17 Deut. 9. [2] Ibidem. [3] Demosthenes adversus Timocratem. [4] Sigonius de Rep. Athen. lib. 2. cap. 3, 495, 496.

made to be proportionable thereunto by any just measure to be taken before-hand, or any prospect which can possibly be made of it.

And therefore a yearly stipend or salary being likely to be either too narrow or too large, will, if plentiful, or too much, violate the rule or purpose of justice; or, if too little, put a sinful necessity upon the officers to do their business lazily and carelessly, or stir up in them a greedy and craving appetite and temptation of taking the advantages of all opportunities to satisfy those appetites, or that which they shall sinfully conceive to be a recompence for their labours; the wickedness and inconveniences whereof have been sufficiently held forth unto us by what hath been seen, felt, heard, and understood in the yearly stipends or salaries, with a restraint of taking any other fees heretofore given to officers and clerks, both in England and Scotland, in our late times of pretences, rather than reformations, when those public spirits, as they thought themselves, made up of the outsides of holiness, did only gather in their prey, and a greater than otherwise they could have done, under colour of it.

And the plaintiff, by paying and depositing that most commonly small sum of money before hand, or giving of it, doth it but in the confidence of the justice of his cause, and hopes to recover it of him that did him wrong.

And if his action proves to be unjust, did but justly pay for his abusing of the ears of justice by his unjust complaint or vexation put upon the innocent, who, having costs allowed him, and a means to recover it, hath no reason to claim any share or part in the money paid for the fine, if it were a *depositum*, for that it would then be as a *caducum*, or thing which neither the plaintiff nor defendant, after it is paid, can have any title unto; and is therefore, according to the ancient custom, if it were not an *oblatum* (which it is rather conceived to be) to be paid to the king: whose lord chancellor hath, towards his support in that high and eminent place and care of justice under the sovereign, one part in four allowed him; the master of the rolls another part; and the cursitor, or clerk that makes the original writ, the moiety of the other two parts. And in the highest time of suits in law of that kind, when they were four times as much or more than now, amounted to no more then five thousand pounds per annum amongst them all, or little more than a third part of that miscalled sum of twelve thousand pounds per annum, which some of the members of the Long Parliament were (by the factious and giddy calculations of those little foxes that could spoil any vineyard they did but bark at) well contented to believe.

And must otherwise, as to their support and employment, have been satisfied either by the people or the king, which is the head and well-being of the body politick, is, as in the natural, to be supported by the members; and with the greater reason in this particular of the fines upon original writs issuing out of the Chancery, for that whether they be as *depositas* or oblations, or mulcts imposed *pro falso clamore*, if the profit were greater, it will be but a small part of the people's retribution and thankfulness for the great charges of the king, amounting to near as much as twenty thousand pounds per annum, for the salaries of his judges and ministerial officers in the administration and execution of justice, the safe keeping of the records thereof, and giving cheap and easily-to-be-obtained remedies to his subjects and people for all their complaints and grievances, "who cannot, without the blemish of a great ingratitude, take it to be any thing less than right reason," saith the excellently learned Sir Francis Bacon, "that the benefited subject should render some small portion of his gain, as well for the maintenance of those rivulets and springs of justice, and his own ease and commodity arising thereby, as for the supportations of the king's expences, and the reward of the labours of those who are wholly employed in the making of writs remedial;" and therefore it was well said by Littleton, 34 H. VI. fo. 38, "That the Chancellor of England is not bound to make writs without the due fees for the writing and seals of them."

And hath had so general an allowance of nations, as that the custom of paying fines or some little oblations at the commencement of their suits, is at this day continued amongst many of our neighbour nations.

For the Emperor or Great Duke of Russia[1] hath five *alteenes*, or so many five pence sterling, for every name containing in every writ which passed out of his courts of justice, besides a penalty or mulct of twenty *dingoes* or pence upon every ruble or mark, which is to be paid by the party convicted by law.

In Florence and Tuscany,[2] *Litigantes omnes cum primum actionem suam instituunt certam summam duci solvunt quam sportulam vocant.* And by an edict or proclamation of King Charles IX., who reigned in France in the time of our Queen Elizabeth, every man is to deposit two crowns upon the commencing of any action, *eosdem ab eo quem judicio superasset recuperaturus, aut suæ temeritatis si vinceretur justam pœnam laturus,*[3] to be had again and recovered of him which is overcome, or otherwise is to lose it, as a just punishment for bringing his action for that which he had no right unto.

And the Dutch, who pretend so much to liberty, have taken it to be so little or no prejudice at all unto their freedom, as they do in this our present age or century, besides two stivers taken upon every order or petition in any court of justice, for the lesser seal with which the paper upon which it is written is marked, and four stivers, or our four pence half-penny, for a greater seal imposed, and do take it at the beginning of every action or suit, to be paid to the states, thirty stivers, or three shillings English, for every fifty florins, or five pounds English of the sum demanded, as a [4]*vectigal temerariè litigantium*, a fine or punishment for those which do not maintain or make good their actions: Which far exceeds the rate and manner of our fines paid upon the beginning of every action.

And by laying some charge upon the fertility of contentions, and in punishing such as, without just cause of action, do molest and trouble one another, have but done therein as the Hebrews or children of Israel did, upon whom the light of the wisdom of the Most High did first shine, when finding that nation, as Rabbi Maimon saith, to be *litigiosum genus hominum duplum rependere coegerunt qui debitum scienter denegarent, et non incongruum sacræ paginæ videtur;* and is not repugnant to the reason and equity of God's own law, wherein he ordained that the[5] trespasser should pay double damages; which the paying of costs with us, either single or double, in finable or not finable actions, did never arrive unto.

And is much better than, when as anciently, until a better course and way of bringing men to justice was found out, by establishing of fixed and certain courts, times and place of justice, with less trouble to the people.

They did, where they did not foully contend or fight it out by the bloody and direful chance of might or power of parties, make choice of arbitrators, and bear their charges, (which when the law was *in cunabulis*, every one which hath travelled but easy journies in the civil law, and the law of nations, knows to be frequent) to meet at an equal distance, or other convenient place, or at their houses.

Or when, as it appeareth by Marculfus, who, living near the time of Charlemain the emperor,[6] wrote about eight hundred years ago; and Bignonius's Notes or Comment upon him; it was the custom in the reign of Charlemain, that judges being made itinerant by commission to hear and determine causes at the houses of those that complained for want of justice, did not only, *freda exigere*, take a third part of the fine or

[1] Fletcher's Hist. of Russia.
[2] Segethus de Principalibus Italiæ.
[3] Bodin lib. 6. de Repub.
[4] Philippus Cæsius à Zefen in Leone Belgico.
[5] Exod. 22. 9.
[6] Marculsus Formulas et Bignonii notæ in eundem.

penalty for themselves, and enforced their entertainments to be defrayed; but *redhibitiones*, some other fees and rewards to be given to them.

Insomuch as some abbies and monasteries beyond the seas, and our largely privileged abbey of St Albans in England, who were well enough fitted for publick entertainments and hospitality, and much used unto it; and diverse great cities and towns, did so little like of that trouble which those kind of judges,[1] and their then necessary and greater trains and retinues brought upon them, as they made shift to obtain immunities and privileges from their kings to be freed from those kinds of troubles.

Which may the more persuade the right usage and reasonableness of fees in courts of justice or chancery, where the reason and difference of fees in and through all ages and times, in the custom and usage of courts in this and all places of Christendom, have been grounded and made to be, 1. According to the labour in writing. 2. A more special care and skill to be taken and used, as in a real action more than in a personal. 3. The quality of the judge, and the superiority or eminency of the court which granteth it. As more in parliament, where the House of Commons takes for the least order that is made six shillings and eight pence, and the House of Peers fourteen shillings and six pence, or more, according to the length; more in the Chancery for an order than in the King's Bench or Common Pleas; and lesser fees in the inferior or pipowder courts than in the superior: And therefore when a justice of peace shall take two shillings and four pence for his warrant or writ, a writ issuing out of the high court of Chancery may justly claim to be as much, that of sixpence, which they have now for every writ besides the fine; or where it is not finable, being far too little, and so beow encouragement of their labours, fidelity, and well-being, as may put them either into a carelessness of doing their business as they should do, (which, when the fines were put down, were sufficiently experimented) or a temptation to do things which they should not do.

Or if the fee but of six-pence more should be added to their fee for common writs, if the fines should be taken away, and a recompence of seven hundred pounds, or one thousand pounds per annum, granted by the king to the lord chancellor, and as much to the master of the rolls, and their successors, for what they shall be losers by the taking away of the fines, it would altogether amount to a greater charge upon the people than it was twenty years ago, when the accompt of the fines was a great deal more than in the last year.

And if they should have so much for every common writ, whereupon no fine is paid, which in London, where most fines are paid, are not one in every twenty; and in the country, where few finable writs happen, are not one in every two hundred; the charge thereof making many to bear the burthen of a few, would be unequal and unjust, and more to the subject in general, than that which upon seldom or particular cases are now paid.

Which may please the people's fancies, but will in the end or consequence of it but delude their imaginations; and they will readily find no more ease thereby, than he that is to carry a bushel of wheat shall do, when he shall put some in his large pockets, some in his boots or stockings, or some in a hawking-bag at his girdle, and carry the rest upon his shoulders; or one that shall be so wise as to think a pound of feathers to be less in weight than a pound of lead.

Wherefore all things being, as they ought to be, duly considered, and the great benefit which all the people of England do receive by having a court of chancery, and *officina justitiæ*, and the several offices therein open, as well in the vacations, as terms, to resort unto for their writs remedial, and of course, being as a balm of Gilead, never

[1] Mat. Paris.

denied to any that want it; and not being put to petition for them to the king, or his lord chancellor, as anciently and originally all men did for their writs, or to be at much expence of money and time to obtain orders thereupon; and that men of no ordinary judgments and experience in the courts of Common Pleas, did find themselves deceived in their opinions, when they did verily believe that when the fines in Chancery should be taken away, as they were for six or seven years in the time of the late confusion and usurpation, by an act of parliament, as it was then so called, a great encrease of business would have followed in that court, but could never perceive any; or, if any, it was so very small as it was not discernable.

When it is well known that fines (when the business was by many times or parts a great deal more than now it is) were chearfully and willingly paid.

That the unwillingness of some of the people to pay them, is by reason of an illegal track or beaten road of suing actions in the King's Bench, which do by law belong to the court of Common Pleas, and the attorneys of the court of Common Pleas do more than needs for their own ease and advantage, and to trouble themselves as little as they can with the learning of the law, or the knowlege how to frame an action, sue almost as many actions out of that court as their own, the cheapness of the *latitat*, and other fees in that court, being more than is or can be in the court of Common Pleas, if the fines were taken away.

That the cheapness of process and contention doth not seldom breed, encourage, and heighten the humour of suits and controversies, as is daily experimented in ten or twelve thousand bills of Middlesex, taken forth to arrest men in every year in that small county and jurisdiction, because they are easily and quickly had for eighteen pence a-piece.

And by the broom-men (since the extravagancies of the Marshalsea court, by their taking cognizance of all manner of personal actions within the verge, or twelve miles of the king's courts, where neither plaintiffs or defendants are of the king's household) who, whilst they are crying brooms in the streets, and in Clifford's-Inn, can ask at the same time for the office of the Marshalsea, and for a writ of eighteen pence, and go to law with one another for many times less than the writs cost them.

And that such a cheapness may be as prejudicial to the people as that old law was amongst the Romans; which, when money was more scarce than it was afterwards, did enact, That whosoever did strike a man upon the mouth or face, should pay to the party beaten twenty and five asses, which were a certain small coin, about the value of our English half-penny.

But the wealth of Rome increasing, and that penalty coming to be very little, one Neratius, a rich Hector, or debauched gentleman of those times, finding how cheap it was to beat men, did frequently, as he went along the streets, strike on the mouth or face such as he thought fitting, and presently command his servant attending him with a bag of money, to pay the money, or recompence, which the law awarded him; which gave the [a] senate of Rome the occasion to repeal that law, and put the power in the prætor, or lord chief justice, to punish such offenders arbitrarily.

And it will not once only, but always, be more for the good of the people, that the very ancient, rational, and legal usage now held of paying fines in Chancery be continued; which cannot in a more easy and just way be charged upon the subjects who receive a benefit by them. And that for a supply of the king's now languishing and too small a revenue.

The courts of the King's-Bench and Marshalsea, and office of pleas in the Exchequer, upon their writs of *Quo Minus*, which of all the king's courts should most advance, and least hinder his majesty's just rights and revenues, if they will (as they

[a] Bidin. lib. 6. Repub. 1196.

should not) stretch their jurisdiction further than they ought to do, and hold pleas, or take a cognizance where they should not, may be ordered, as is usually done in Chancery upon writs returnable in the court of Common Pleas, to pay fines upon such writs, and that upon every of such writs taken forth, and before they shall be sealed the plaintiff's attorney do endorse the sum of money which he demands bail for, or intends to declare for, and pay to the king's receiver to be appointed for that purpose, such fines as shall be due and payable, according to the rates now used in Chancery.

Which will the more conduce to the good of the people, than their not paying of fines upon some few original writs, when as those troublesome and vexatious writs of *latitat, quo minus*, and bills of Middlesex, shall be thereby somewhat kept within their legal bounds and limits, and not be made use of upon meer fictions and pretences, to promote the malicious ends and designs of ill-disposed people, and the process of those courts abused, and made the instruments of men's oppressing one another. Not to be suffered by those whose oaths are not to permit any thing to be done in disherison of the crown; nor to be practised by the people, whose oaths of allegiance and supremacy should dissuade them from diminishing or taking away any of the king's regalities or jurisdiction, when as their forefathers, and the days of old, may tell them and their posterities, and after generations will find it, that their welfare and happiness is included in the king's; that the lessening of his legal revenues will but lessen and inconvenience their own; that his good is more to be taken care of than any man's particular, by how much every man's particular is comprehended in the universal; and that the king cannot well protect and defend them and their particular estates, if his own shall be daily diminished, purloined, or kept from him.

The Impeachment of the Duke and Dutchess of Lauderdale, with their Brother, my Lord Hatton. Presented to his Majesty by the City of Edinburgh.

The infamous tyranny of the Duke of Lauderdale in Scotland occasioned complaints against him too grievous and too loud to be suppressed, even by the arbitrary authority which he exerted to drown them. Mr Laing gives the following account of his impeachment, and of its bad success:—

"Notwithstanding the prohibition to quit the kingdom, fourteen peers and fifty gentlemen, of whom Duke Hamilton was threatened, and the Earls of Cassilis and Loudoun, Lord Cochran and others, were charged with lawburrows, and denounced outlaws, repaired to court, and were joined in their complaints by Athol and Perth, two of the committee of council employed in the west. As they had departed without permission, an audience was refused. But the invasion and sufferings of the western counties had excited universal execration; and amidst the fervid debates of the English commons the voice of two nations was too powerful to be resisted. Was this the spirit of government which was displayed in Scotland? Or were these the measures to be adopted in England when the dark designs of the court were mature for execution? An address for Lauderdale's removal was rejected; but it was necessary to suspend his enormities, to recal the lawburrows and bands, and to disband the army; and the highlanders, after exacting free quarters and wasting the country for three months, were dismissed with impunity and wealth to their hills. Hamilton and the chief nobility were heard in presence of the cabinet council, and, when taxed by the king with disobedience to his proclamations in repairing to

court, their only answer was their sufferings and complaints. In the midst of profound tranquillity, when not a shadow nor surmise of insurrection existed, to let one part, the most barbarous of the nation, loose against the other; to instigate the excesses of the one by a previous indemnity; to devote the other like a hostile country to indiscriminate ravage, was without example in a civilized state. Lauderdale, who remained in Scotland secure of impunity, was vindicated by Danby and the Duke of York. Field conventicles had been styled in the late acts the rendezvous of rebellion; and it was inferred from this rhetorical expression, that wherever conventicles prevailed, the country was in a state of actual insurrection and revolt. Free quarters for a few days were of little estimation, when the fortunes and lives of the people were proffered by parliament for his majesty's support; the bonds were tendered, not enforced as an exemption from free quarters; and where the king was apprehensive of danger from his own subjects, the writ of lawburrows was a just and necessary alternative for the bonds. The miserable apologies to which tyranny must resort, dishonour and degrade the tongue that utters, and the understanding that receives them. The Scottish nobility imagined at first that their sovereign was touched with pity and compunction at their wrongs; but when he required their complaints to be produced in writing, when they demanded an indemnity from lease-making before they preferred an accusation against the privy council, his positive refusal revealed the insidious design. Unwilling to disown a minister, who had exceeded perhaps in the execution of his express commands, he declared that he was well assured of an insurrection intended in Scotland, but it should be his care that the actors should suffer, and bestowed next day, in a letter which cannot be ascribed to Lauderdale, a full approbation on the measures of council, because the nobility, from the iniquity of its administration, durst not subscribe their just complaints."—LAING's *History of Scotland, II.* 81.

"In the meantime the Scottish lords had obtained an audience, and counsel were fully heard on their complaints. But the principal charges were prejudicated by Charles, who declared that it belonged to the crown to dispose of offices, therefore to incapacitate from public trust; to prevent conspiracies, therefore to imprison suspected persons; to suppress insurrections, therefore to raise and distribute troops at discretion, to quarter or employ them as his exigencies required; nor in those particulars would he suffer his prerogative to be impeached or touched. A declaration, the most extraordinary perhaps ever uttered by a limited monarch, was combated with a spirit honourable to the memory of Lockhart, who asserted, that the places from which persons thus incapacitated had been arbitrarily excluded, were conferred by the free suffrage of the people in their corporations or counties; and that his majesty's opinions respecting conspiracies and insurrections were inconsistent with the ends for which government was established. It appeared indisputable, that Lauderdale's administration was rapacious, cruel, unjust, and perfidious; and that the introduction of a barbarous horde to live at free quarters on the country in profound peace, was prohibited by the express laws and constitution of the realm. Mackenzie was reduced to the wretched subterfuge, that as conventicles were figuratively styled in the laws the rendezvous of rebellion, the counties where these predominated were in a state of actual revolt. Essex and Hallifax declared that the complaints were fully established; the former acknowledged that the Scots were entitled by their constitution to greater freedom than the English themselves; but they were afraid to substitute Monmouth to Lauderdale; and the king was not ashamed to absolve the administration which he was unable to vindicate. It was determined, that nothing had been done by Lauderdale but what his majesty had commanded, and would uphold by his prerogative, which was above all law. In private, he acknowledged that many detestable things had been done by Lauderdale against the Scots, but that nothing against his service had appeared; a sentiment not less dishonourable than natural to a sovereign, who forgets, when he separates his interest from the people, that he creates an interest in opposition to the throne."—*Ibid.* 94.

The Matters of Fact particularly relating to the Town of Edinburgh, humbly offered for your Majesty's Information.

Before the Matter of Fact be spoke to, it is necessary that your Majesty be informed of one Thing upon which this whole Affair hath moved.

THE city of Edinburgh had at several times given considerable sums of money to the Duke of Lauderdale, amounting to upward of twelve thousand pounds sterling, and the Lord Hatton, brother to the said duke, being inraged by that their former practice, and being arrived to great height and influence in the administration of your majesty's affairs in Scotland, did thereupon resolve on a design of getting money for himself also from them, as will appear to your majesty by the following narration; but the magistrates at that time, and others, as had then the principal influence in the administration of affairs in that town, being honest men of good fortunes, and not to be brought to comply with his design, he bethought himself of all ways to vex them; and knowing they did much value the prosperity of the town, he thought that the first means for promoting that his design, was to have them threatned with removing your majesty's publick judicatures from that city to Stirling, and persuaded his brother the Duke of Lauderdale to move your majesty to that purpose; but being disappointed of that project by your majesty's royal wisdom, your majesty looking upon it as if it were to declare to the world that you were jealous of so great a part of that your ancient kingdom, he bethought himself of new ways to accomplish his design, for which he judged nothing so proper and effectual as to disturb them in the choice of their magistrates and town council; and by all means possible to get some of his own chusing, fit for his own ends, brought into the administration of the affairs of that city. In order to which, being impatient of any longer delay, he laid hold of what follows, being the first occasion that offered, though a very frivolous one.

At Michaelmas 1674, the said city of Edinburgh being to go about the election of their magistrates for the ensuing year, there was procured a letter from your majesty to your privy council, commanding them to forbid the magistrates and town council to proceed in their elections, but to continue the magistrates that then were, till your majesty's further pleasure should be known; the reason suggested to your majesty for it was taken from this circumstance, that the election ought to be made upon th Tuesday after Michaelmas, and (it happening this year that Michaelmas fell to be on a Tuesday,) they were resolved to proceed to their elections upon Michaelmas day.

Though this was a very small matter, and upon very good and prudent considerations, resolved, as will afterward appear, yet was it represented to your majesty as a factious design, and an innovation of dangerous consequence, tending to create a d maintain faction in that city, contrary to your majesty's service. Your majesty's aforesaid letter being intimated to the magistrates and town council, they did immediately give an exact obedience to the same.

They did also represent to your majesty's privy council, the rights that they had for chusing their own magistrates, which had been granted to them by many of your majesty's royal ancestors, and confirmed by many parliaments; by virtue of which they humbly conceived they ought to be suffered to proceed in their elections.

They did also represent to your majesty's privy council, the reasons which had moved them to resolve of making their elections on the said Tuesday, being Michaelmas day, which in short were, that by their constitution they were obliged upon the Friday before Michaelmas to make the list out of which the magistrates are to be chosen; after the doing of which there is a surcease and vacation of all ordinary courts of judicature within the town, and the whole time is spent by the common people and trades-

men of the town in rioting and drinking, until the elections be finished, which in this case would have been twelve days; which they did in prudence think they ought to shorten, not conceiving it contrary in the least to the established rules of their election.

2. On these things they did humbly crave your majesty's privy council would be pleased to represent to your majesty, that thereby they might be freed from the suspicion of any factious design, with which they were charged by the said letter.

This being, through the influence of the Lord Hatton, refused by the privy council, they dispatched a gentleman to the Duke of Lauderdale, with letters and instructions full of respect and submission to his grace.

The gentleman at his first arrival found Duke Lauderdale very kind, and was made believe he should be quickly dispatched with answers according to his desire; but some delays having fallen in, the Duke of Lauderdale fell likewise upon thoughts of getting money from the town upon this occasion, and therefore pretending still more and more kindness to the said gentleman, he did first by some insinuations let fall to him his expectation, and at last flatly asked him if he had not brought a heavy purse with him, which, when he understood he was not to expect, he changed his method and grew harsher; and having detained him five or six weeks, he, the said duke, entered into consultation with his old friend Sir Andrew Ramsay how to order the affair. By his advice he did write a letter, and sent proposals to the said town, that they should give bond and security, that the townsmen should live regularly as to all matters ecclesiastical in the largest extent, as the same is determined by the late acts of parliament; and to keep the town free of all sorts of tumults, either of man or woman; judging that this was impossible for them to perform, and unfavourable to attempt, and that therefore it would oblige them to make offers of money.

This letter was all the gentleman could obtain, and having gone back to Scotland, and delivered it to the magistrates, they were so far from being carried in the design, that they were glad of that opportunity to witness their zeal to serve your majesty, for they did very heartily comply with what was proposed concerning the bonds and securities demanded; and immediately urged that your majesty's officers and lawyers would cause to be drawn such bonds and securities as were fit for the purpose, offering good security for great sums of money for the performance. But this not being the thing truly intended, their ready compliance with it set them yet farther off from their desired settlement, and served for no other intent than to cause the Lord Hatton to double his diligence to find out new means to molest them; to which end it was alledged by him, that they had of old forfeited their privileges and liberties by some great misdemeanour, and that therefore they had not right to chuse their own magistrates, for which he would needs have their records searched; and accordingly they themselves, with their books and records, were in a most unusual manner brought often before him and his friends, though they had not authority for it, to the great disturbance and annoyance of the citizens, who, by being abundantly jealous of their liberties, were with no small care kept within the due bounds of moderation, by the loyalty and vigilancy of their magistrates.

They, the said magistrates, finding how they were used at home by the Lord Hatton, did again apply themselves to the Duke of Lauderdale, both by private letters to the Duke of Lauderdale and his dutchess, from some of the most eminent of them, full of assurances of particular respect to their graces, and by a public letter to him from the whole town council, offering bond and security to him in the terms proposed by his fore-mentioned letter. But this could not prevail, it being objected to them, from some frivolous things the Lord Hatton had scraped together out of their old records, that they had lost their liberties, and that the right of chusing their magistrates did no more belong to them.

Then did they produce their charters, and did convincingly clear all mistakes, and

evidently make appear that the right of chusing their own magistrates did remain to them undoubtedly and intirely.

All these things being cleared and open, they expected to be restored to the free exercise of their election in their accustomed manner. They were still kept off with delays, until the Lord Hatton, in pursuance of his design, fell a practising with some few of themselves, who did undertake, with his assistance, to get such elected as were fit for his ends; whereupon he writes to his brother, the Duke of Lauderdale, to move your majesty for a letter, and accordingly the letter was procured from your majesty the 7th of August, 1675; wherein your majesty, after reciting your former orders in that affair, did declare, that you were well informed of their obedience to your commands, and of their dutiful carriage in your concerns; and therefore ordained them, the next day after the receipt of the letter, to convene their whole council after their accustomed manner, and out of the lists already made, to elect the lord provost, bailiffs, and other officers.

According to which letter they did the next day proceed to their elections, but instead of those whom the Lord Hatton expected they would have chosen, they did elect some men of good fortunes and integrity, not at all fit for his purpose, (those who had engaged to him not being men of that esteem or influence as to be able to carry his design as they had undertaken.)

The new magistrates and council did, immediately after their election, acquaint your majesty with their procedure, and gave your majesty great acknowledgements and assurances of their care of the peace of the town, and of your majesty's service in all matters, both ecclesiastical and civil.

The said Lord Hatton, being exceedingly enraged at this act of theirs, did, by advice of Sir George Mackynge, now your majesty's advocate, send a letter to the Duke of Lauderdale, to which he procured your majesty's hand upon the 25th of the same month of August, by which your majesty ordered your privy council to intimate to the magistrates and town council, that it was your royal pleasure that there should be turned out of the town council, and declared incapable of any public trust in the said town, twelve of the most eminent of the same men with whom your majesty had expressed yourself so well pleased, and whose actings your majesty had approved, by your letter of the 7th of the said month.

This was accordingly executed by the privy council, without ever so much as calling before them the said persons, though great crimes were laid to their charge, as being factious persons, and misrepresenting your majesty's proceedings, without mentioning any particular fact of theirs which could import any such crime. And though they be threatened by the said letter to be pursued for these great crimes, and that your majesty's advocate is commanded in the same to insist against them, yet could they never obtain from your majesty's privy council that they should be tryed for these things, though, by a petition signed by the whole twelve, they did represent the great prejudice they sustained both in their reputation and trade, by being kept under such threatnings, and therefore did humbly offer themselves to the strictest and severest tryal. To which petition they never received any answer.

To make appear to your majesty that these things were done for private and sinister designs, and not upon account of the ill affectedness or factious dispositions of the men, as was pretended, your majesty is humbly prayed to take notice of these particulars following:

First, There are three of the most considerable of these very persons who had been charged with so great crimes admitted since that time, by bribing the Dutchess of Lauderdale, into a trust in your majesty's affairs in Scotland, more eminent and considerable than any trust the town of Edinburgh can confer, viz. The paying of your majesty's forces, and bringing in your majesty's excise.

Secondly, No sooner were these twelve men turned out of the town council, but, after many great and essential informalities, (with the recital of which it is needless to trouble your majesty,) they elected for magistrates men of no reputation, either for parts, estate, or honesty; and though these bonds and securities, which had been demanded from the others, and consented to by them, were formerly pretended to be of great importance for your majesty's service, yet they were not so much as once demanded, either by the Duke of Lauderdale or the Lord Hatton, from these men who were now chosen.

Thirdly, These new magistrates were not long in their seats, when off comes the mask, and the true design of getting money appears. For by an act of the town council, there is about five thousand pounds sterling disposed on amongst their nameless friends, which were the Duke of Lauderdale, the Lord Hatton, and some other of their friends. A great sum to be got from that city, considering that the Duke of Lauderdale had got before that about twelve thousand pounds sterling from them.

The Dutchess of Lauderdale did also since that time endeavour to get more money from them, and did with great wrath threaten the magistrates in plain terms, for not giving her a present, notwithstanding all the good she said she had done for them; reckoning the favours your majesty hath at any time been pleased to bestow upon them, as done by herself.

Thus hath that poor town been abused, and doth now lie, having magistrates without either conduct or courage, in a time when the disorders of that nation do require persons to be employed there of eminent fidelity and capacity to serve your majesty.

Some farther Matter of Fact relating to the Administration of Affairs in Scotland, under the Duke of Lauderdale. Humbly offered to his Majesty's Consideration in Obedience to his Royal Commands. That the Duke of Lauderdale was concerned in the Design of bringing in of Popery and Arbitrary Government may appear by these following Particulars, &c.

I.

First, in *anno* 1669, when he knew that the duke had changed his religion, he procured an act in Scotland for asserting the king's supremacy, which he made the presbyterian party believe was to empower the king to put down episcopacy, and set up presbytery, (the very words of it.) The disposal of the external government of the church is put absolutely in the king's power, as also all ecclesiastical meetings and meeters are to be ordered by the king.

Now the acknowledgement of the pope is a great part of the ecclesiastical government; besides, the other words are so comprehensive, that all popery may be brought in at that door. Soon after this, he entered into a firm friendship with the head of the popish party.

II.

At his next session of parliament, which was after madam's being at Dover, in 1670, to shew his farther kindness to that religion, he put in words in the seventh act of that session, against withdrawers from publick worship, which secured papists from all troubles; for the act runs only against his majesty's subjects of the reformed religion, for that papists are expressly excepted, and the words he put in with his own hand in the draught of that act.

III.

Whereas he first procured the act that was past *anno* 1667, that offered the king an army of twenty-two thousand men to be brought into England for any cause in which his majesty's honour, power, and greatness was concerned, which was generally

passed as a compliment, and continued so till the year 1669, that other design being projected in England by the papists.

He, to be ready to second that, raised his army, and procured another act, which is the second in the first session of the parliament held by him, by which the former act was only confirmed, but it was ordered that this army should obey the order of the council, without naming the king at all, which, as he has managed it, is upon the matter himself. And of late, before the discovery of the plot, he designed to convert the twenty-two thousand men to a standing army, as an addition to the new forces raised last summer, to be constantly maintained by all subjects; contrary to the true meaning of the first or second acts of parliament relating to that purpose, and directly against the fundamental constitutions of the nation, to impose burthens upon it without consent of parliament.

IV.

When he went down, *anno* 1678, to see if he could draw down this army to England (finding he could not effect it, that nation not being able to support this tyranny longer) he first wearied the members of parliament with often adjournments, and finding in the end that artifice and other tricks would not do, he dissolved the parliament, that he might proceed there consonant to the counsel he gave here; and set up a barefaced arbitrary power there, which he has so much advised and pressed here; and has ever since taken all the ways he could fall on to force the nation to a rebellion, by illegal imprisonments, unjust accusations, false reports made to the king, taking away from the subjects the right of propriety, their limitable jurisdictions, by the council's order, grounded upon letters procured by him from the king, and put in execution by his brother Hatton, by wrongful turning out bishops, ministers of state, magistrates, and others, by cruel and illegal sentences, banishments, and fines; some whereof he disposed to pensioners, relations of his own, by grants obtained from the king here, which bear date before the fines were judicially imposed in Scotland.

And likewise by bringing a man to die whom he had persuaded to confess upon hopes of life; and afterwards forswore that he had promised, though it stands yet registered upon the council's book;[1] by sending shipfuls to be slaves in English plantations, which he justified here at council-board in Whitehall; by imposing bonds against law; and, above all, by sending an army of nine or ten thousand men, most of them highlanders, to lie upon free-quarter, and rob and spoil a country that was in no rebellion, nor could any colour of saying they intended any be ever found now or since.[2] This he did last year, thinking that would certainly make them rebel, and so

[1] This was Mitchel, who attempted to assassinate the Archbishop of St Andrews. See the following tract, entitled Ravaillac Redivivus.

[2] The exorbitant oppressions of the highland host, as it was termed, is recorded in all our histories, and also in the following rude couplets by the celebrated Col. Cleland:—

"We thought his grace would ne'er give orders
To commit rapine, thiefts and murders,
At that rate they're now committed,
He never was so shallow-witted;
For truly they more cruel carrie,
Than ever Frenchmen under Marie,
Or Spaniards under Ferdinand did,
Or French when Duke of Guise commanded;
Yea, they more savage were than those were,
Who with Kolkittoch and Montrose were,
And sixtie times they're worse than they
Whom Turner led in Galloway.
They durk our tennents, shames our wives,
And we're in hazard of our lives;

have given a just cause for keeping up a standing army both there and here. And that being at the time when the papists thought the plot so near perfection, was certainly in conjunction with them, having prepared above eight thousand horse and foot, with officers of his own stamp, to execute his design. It is more than probable that it was for the intelligence his lady gave of this, that the Cardinal of Norfolk sent his thanks to her.

V.

Whereas there are but few papists in Scotland, he hath given these all the encouragements he could. The Earl of Aboins, who was oft complained of to the council by the bishops for keeping many priests in his house, and being a main stickler for popery, he made a privy-counsellor, and gave him a pension, though he has never since gone to church, nor received the sacrament. The Earl of Northdale, another furious papist, in command of the new forces he raised (and so is lord and king) and both those two were last year employed by him in the plundering of the west of Scotland, &c. And there being in Scotland but five noblemen that are papists, four of them have been supported and maintained by him, &c.

VI.

He was a principal instrument in procuring the toleration of popery, and courted them into sworn friendship with the Lord Clifford; and preferred the declaration and other the king's edicts at the council-board to law, &c. He pressed the king to break with his parliament, and maintain the declaration, and to take the great seal from the Earl of Shaftesbury, for giving him better counsel, of which he has often boasted. He became also an enemy to the Earl of Arlington upon the same account, and has ever since had an entire friendship with the lord treasurer, for promoting those ends he supported the last year against the just complaints the Scotch lords made for free quarter, and other barbarous usages which they met with, &c.

VII.

He became a pensioner to France, from whom he received rich presents and great

They plunder horse, and them they loaden,
With coverings, blankets, sheets and plaidin,
With hooding gray, and worsted stuff,
They sell our tongs for locks of snuff.
They take our cultors and our soaks,
And from our doors they pull the locks;
They leave us neither shoals nor spaids,
And takes away our iron in laids;
They break our pleughs, ev'n when they're working,
We dare not hinder them from durking;
My lords, they so harasse and wrong us,
There's scarce a pair of shoes among us;
And for blew bonnets they leave non,
That they can get their clauts upon.
If any dare refuse to give them,
They durk them, strips them, and so leaves them.
They ripe for arms; but all they find,
Is arms with them, leaves nought behind.
Is't not a strange mistake in that
Our tankerds and our chamber-pot,
And stool-pans should be thought granads?
They take our sadles and our pades,
They stripe our lecquies, ripes their pouches,
They leave us neither beds nor couches,
Yea, to be short, they leave us nought
That can from place to place be brought."

CLELAND'S *Poems*, 1697.

sums: Out of one of the jewels which Monsieur Colbert gave him he made his rich George. He always helped on the French levies in Scotland against the treaties the king had made, and gave the French officers the publick prisons, yea, and the king's own castle of Edinburgh, of which he is governor, to keep their levies in till the ships are ready for their transportation: He gave order to his brother to set the levies forward, and to press men by force into their service; which being informed to the House of Commons, he corrupted one of the witnesses by money to forswear it; and this he did after the House of Commons had voted that any who assisted those levies should be looked upon as publick enemies to the nation. So much did he contribute to serve the French king's designs, and particularly in the year 1667, when complaints were made to the king by Spanish ministers, that Scotland levies for France were a breach of treaty, his majesty's commissioners ordered a proclamation to be sent down immediately for the discharging of them; but the Duke of Lauderdale dispatched an express to his brother Hatton secretly, to acquaint him that the proclamation was coming, and that it should be kept up until the levied soldiers should be shipped and sent away, and then published, which was accordingly performed. But for all the haste they made to sail, the wind detained some of their vessels in the road after the proclamation, and did drive others back, which had been a good way gone, yet none durst stop or trouble them for fear of Hatton, who had always promoted those levies, and had signed particular warrants to several prison-keepers for delivering their prisons to the French officers. He lived at that time in such intimacy with the French embassador, that they were never asunder. He sent his nephew to make campaign in the French army, and wrote to the English embassador to present him to the king; and tell him, "That he had sent the dearest thing he had to his service, and if he had any thing dearer he would have sent it."

VIII.

He hath upon all occasions spoken of the House of Commons with the greatest contempt and scorn possible, calling it commonly, "*Bellua multorum capitum;*" and usually said, if they would address against him, "he would fart against them, and that he would put a dog in his arse and bark at them." And after boasted among his creatures, "That he had risen by his addresses." For after one, he got himself made an earl of England; after the other, he had a pension of three thousand pounds per annum in England, though he had above nine thousand pounds per annum in Scotland of the king; and his usual words about the Commons is, "Let them bark, and he will bite."

IX.

Not long ago he carried a person, known to be of a very mercenary quality, before the king, and, it's like, suborned him to accuse some of the nobility of Scotland, and say, "They had inticed him to complain upon his grace to the commons in parliament;" thereby thinking not only to put those noblemen out of the king's favour, but also to beget in his majesty an ill opinion of the house; but the parties being convened before the king, his majesty discovered the forgery, and ordered the cheating rogue to custody, where he yet lies under restraint.

X.

At his last being in Scotland he forced all the officers of state and others, in both civil and military employments, to hold their commissions of the king *durante beneplacito*, which was never practised in that nation before; the consequence thereof tends so much to arbitrary power, that they need not be particularized; he put in and put out members of the king's council, according as they suited his secret designs. In a

word, he so packed all the judicatures, that justice and equity have been administered according to his pleasure, under colour of the good of the kingdom.

XI.

When the treaty for the union of both kingdoms was set on foot, which had been a great happiness to both nations, perceiving he should thereby lose that absolute power he had in Scotland, and not be able to prosecute his arbitrary designs, set himself to a breach; for which this was his argument, "That it was rather the king's interest to keep the kingdoms distant, and to hold England under the fear of the Scotch army, which then he was raising and modelling."

XII.

He has lived in that correspondence with the papists and priests, that the Cardinal of Norfolk, before he left England, was perpetually at his house; he has kept constant correspondence with Conyers and some jesuits; and at Rome he was called by one of the pope's bed-chamber, a great friend of the catholicks; and in all his concerns the papists were still on his side. So that his late proclamation against papists in Scotland hath been only a mockery. Now since the plot is discovered, to disguise his traiterous conspiracies, which then, though upon Mr Oates's discovery, he talked at the board like one that believed it, yet he went strait to the duke, and spoke of it with all possible scorn, and called it a ridiculous contrivance.

XIII.

First, That Colman's letters were discharged to be made publick in Scotland; and next, his trial being reprinted at Edinburgh, the books were by a peremptory order in council stopt at the press, when finished almost to the last sheet, not only to the printer's great damage, but to a manifest suppression of the discovery of that horrid plot from the good people of this nation, who were longing for the particulars thereof. For is it not known that Charles Milford of Hatton, treasurer, deputy of Scotland, managed all the affairs and councils there, exactly as he received instructions from his brother the Duke of Lauderdale here: According to which, those in that country, which these creatures talk now of the discovered plot, to be only a malicious forgery of two rogues, Oates and Bedlow.

The Apology of the Duke of Lauderdaile.

It is a hard task to satisfy (even friends) against the slanders which ignorance or malice may easily throw upon the greatest innocence; and although I hear that I have had a large share of the persecution of tongues in and about London, in coffee-houses and elsewhere, these divers months past, yet I shall not endeavour at this time so much as to satisfy my friends in all the particulars that I hear; which, I hope, I shall be able to do in good time, and so clearly, that I may easily undeceive all sober and unbiassed men. But one thing I hear is talked, and of so horrid a nature, and yet so groundless, so impudently false, and so easily disproved, that I cannot forbear a moment to demonstrate my innocence to my friends. I hear it hath been said at London that I was a great cause and promoter of the late king's murder, bringing up a de-

claration from Scotland, which was made the ground upon which they proceeded to the murder, and that I was one that had furthered that horrid act. This is so monstrously false, and so groundless, that I need say little to my justification; for it is well known to the king, and many thousands, how faithfully and how diligently I served the last king all that year, 1648, and what my persecutions and my sufferings were from the king's enemies, both in England and in Scotland, from that year even to his majesty's happy restoration. Yet it shall not be enough for me to prove that that accusation is false; I undertake to demonstrate that it is utterly impossible.

I waited upon the last king at Carisbrooke Castle, in the Isle of Wight, with William Duke of Hamilton, (then Earl of Lanerick,) and the late Earl of Lowdon, (then Chancellor of Scotland;) we carried a protestation in the name of the kingdom of Scotland against the four bills which were at that time imposed upon the king by the two houses of parliament. We did then, at Carisbrooke Castle, receive the king's commands for engaging Scotland, and raising of an army for his delivery and restitution. We came thence to London; and in January 1647, (according to the account of England,) we parted from London towards Scotland, where we arrived in the beginning of that February. Now, if ever I saw London, or any place near it, from that January 1647, (according to the account of England,) until the second of October, 1651, on which day I was brought a prisoner to the Tower, after Worcester, then I do willingly submit to the infamy, guilt, and punishment due to the accusation; which should be more bitter to me than the cruellest death, and attainder of me and my family. This, I hope, proves the utter impossibility of my bringing up such a declaration.

My next task must be, to demonstrate as great and absolute an impossibility of my having any accession to such a declaration in Scotland, (if any was made and sent to the rebels in England). I came to Scotland (as I told you) in February, 1647; there we began the late king's service, the engaging Scotland for him, and the raising of an army; but very soon we found the opposition of them, who called themselves the Kirk Party. The Earl of Lowdon, then chancellor, abandoned us, and joined with that party; yet William Duke of Hamilton (then Earl of Lanerick) and I carried on the business.

The late king, of blessed memory, commanded Sir Marmaduke Langdale, Sir Philip Musgrave, and Sir William Blackston to correspond with, and take measures from the Earl of Lanerick and me; and we corresponded with them constantly under the names of John Read and William Black. This Sir Philip Musgrave can testify, as also Arthur Barclay, yet alive, and now a gentleman of the king's privy chamber, who was constantly a messenger between us.

Most of the nobility and gentry joined heartily in the engagement, and so did the people, in spite of all the thunderings of all the pulpits against us, and the army drew to a rendezvous in July; and then was I commanded by all that was in power, both in Edinburgh and the army, to go to Holland, to invite his majesty that now is, (then prince,) to come and command the army that was raised for his father's service. I embarked on the 4th of August, 1648, and waited upon his majesty in the Downs, where he then commanded his father's fleet. There we got the news of the fatal defeat of the Scotch army under James Duke of Hamilton. I stayed with the king about three weeks in the fleet, and then waited upon him all that year. That winter the king designed to send me into Scotland for his service again. I procured a pass from them in power in Scotland, to come to Scotland, upon pretence of settling private business, and to remove out of it again. As soon as my pass came, the king sent me at Christmas into Scotland, with instructions which none knew but his majesty and the late Prince of Orange, who gave a man of war which transported me thither. As soon as I landed, I found that those who, after the defeat of the army, had usurped the power, and then proceeded with great violence against all those who were joined in the engagement, and most particularly against myself. I found that William Duke of Hamilton (then Earl

of Lanerick) was confined to his house; and that both he and I, with many other persons of quality, were turned out of all employments, and declared incapable of all publick trust; and that I had been fined, and my tenants ruined; yet, trusting to my pass, I went to Edinburgh, where some of my friends saw me; but I was very far from being either willing or able to meddle with any judicature. I spoke with the Duke of Hamilton; and, at my return, I found that Scotland would quickly be too hot either for him or me: for the rebels in London, having heard from Holland that I was sent in a man of war to Scotland, they presently took jealousy, and dispatched one Roe to their friends in Scotland, to demand the then Earl of Lanerick and me to be delivered to them. As soon as these letters came to Edinburgh, a private committee was called; and though the Earl of Cassel and Lord Balmerinoch (both dead) did plead the faith that they had given to me in their pass, yet they perfidiously resolved to have delivered me. But the Lord Balmerinoch gave me timely warning; so I fled in the night for my life, and I brought away my Lord of Lanerick out of his restraint; and so both of us went aboard of my ship, and sailed to Holland. From the Low-Countries we stirred not until we waited on his majesty in June, 1650. What declarations were made in Scotland, or sent to the rebels in London for countenancing the late king's horrid murder, or whether any such was or no, I cannot determine. Nor is it my business to justify those that were then in power; (who, I am sure, were my persecutors and enemies;) but I am sure I have demonstrated, that as it was utterly impossible that I could have been the carrier of such a declaration from Scotland, so it is impossible that I could have had the least hand in carrying any such declaration. And if I saw Scotland from the 4th of August, 1648, until June, 1650, (excepting those few days when the king sent me thither, and from whence I fled for my life,) I shall acknowledge the guilt; or if ever I meddled in any judicature of Scotland, civil or ecclesiastick, from the 4th of August, 1648, till after the king was crowned in Scotland, then let me suffer any punishment.

From the Collection of Sir Thomas Robinson, Bart.

Ravillac Redivivus, being a Narrative of the late Tryal of Mr James Mitchel, a Conventicle-preacher, who was executed the 18th of January last, for an Attempt which he made on the sacred Person of the Archbishop of St Andrews. To which is annexed, An Account of the Tryal of that most wicked Pharisee, Major Thomas Weir, who was executed for Adultery, Incest, and Bestiality. In which are many observable Passages, especially relating to the present Affairs of Church and State. In a Letter from a Scottish to an English Gentleman. London, printed by Henry Hills, 1678, 4. 78. *pp.*

This tract drew a great deal of notice when it was first published, and has been more founded upon than its partiality deserves. It was written by the celebrated Dr Hicks, more honourably distinguished by his labours as an antiquary. Anthony Wood gives the following account of the period and purpose of composing the pamphlet:—

George Hickes received his education at North Allerton, and was admitted in April, 1659, a servitor of St John's College, Oxford. In the month of May, 1675, he was admitted Bachelor

of Divinity, being about that time rector of S. Ebbes Church, in Oxon, in the place of Will. Pindar; and in September, in the year following, he became domestic chaplain of John Duke of Lauderdale, through the recommendation of Henry Bishop of London, and with him continued till September, 1680. In June, 1677, he attended the said duke into Scotland, during his commission in that kingdom; and while he remained there, happened the tryal of Mr James Mitchel, for having attempted to murder the Archbishop of St Andrews, whereupon he wrote and published a book, called Ravillac Redivivus, which occasioned him (by some menaces given out) to disguise himself under a feigned name and character, to secure himself from the murderous Scottish whiggs. During his attendance there, the Archbishop of S. Andrews (Dr James Sharp) and other bishops did, in compliment to him, but more especially to his patron, offer him the degree of Doctor of Divinity at S. Andrews, which his grace the duke approved so well, that he was obliged to accept it, and accordingly he sent his son-in-law and servants with him thither, where he was dignified with that honour in a full convocation of the doctors, professors, and masters. About that time also the said Archbishop of S. Andrews did, in his own name and in the name of the church of Scotland, present to him (as an acknowledgment of the services he did that church) The Councils, in 18 vol. in fol. set forth by Philip Labbeus and Gabr. Cossartius, at Paris, *anno* 1672. In Dec. 1679, he was actually created Doctor of Divinity of the university of Oxford; and on the 11th of June, 1680, was installed prebendary of Worcester, in the place of Mr Will. Thornborough, deceased, bestowed upon him by his majesty, for the services he had done the public during the Duke of Lauderdale's commission in Scotland."—Wood's *Athenæ*, II. 1001.

Hickes received various preferments in the church, all which he forfeited by refusing to take the oaths to King William.

Of the following tract it need only be said, that it was written to justify the cruelties exercised upon the unfortunate fanatics of the west of Scotland by the tyrannical administration of the Duke of Lauderdale, and contains many exaggerations, and some actual falsehoods, which the reader will find corrected in the notes.

The pamphlet first appeared in 1678, and afterwards, in an enlarged state, in 1682. It was reprinted and considerably altered by Curl, in 1710, under the new title of The Spirit of Fanaticism exemplified in the Trials of Mr James Mitchel, &c. and Major Thomas Weir.

Sir,

I received your letter, wherein you charge me with unkindness for having neglected to write unto you for the last six months; and you also tell me you cannot imagine what hath made me so silent all this while that others have sent their correspondents in England so many letters of Scottish news. But what you seem to make an aggravation of my fault, I must retort upon you in my own defence, and tell you plainly, that being a person uncapable to write certainties in state matters, and too honest to write lyes, I could not prevail with myself to follow the ill example of many of my countrymen, whereof some maliciously wrote their own forgeries, and some, out of weakness, their jealousies and fears, and all pretending to understand not only what were, but what would be the intrigues of Halyrud-house, filled their Muddiman-letters with their own inventions instead of real truth.

The reports which these instruments of mischief sent to London rebounded as quickly hither again; and considering how foolishly some, and how maliciously others of their stories were contrived, I cannot but sigh for the unhappiness of my country where these coiners and dispersers of false news, like the false prophets in the kingdom of Israel, are a national judgment and a grievous plague both to church and state.

Therefore let me prevail with you, for the time to come, to give as little credit to the flying reports which are sent from our country, as I do to those which are sent from yours; and that we may both grow wiser by other men's follies, and take surer measures in our future correspondence, give me leave to propose that we write nothing hereafter but matters of fact, and confine ourselves to relate such useful and worthy

contingencies as might become an historian of his own age. By observing this rule, we shall keep ourselves within the safe bounds of prudence and duty, and profit one another by our mutual correspondence, without abusing the credulity of the vulgar, or injuring the ministers of public affairs.

Wherefore, that I may put my own advice into practice, and be a good example to my own rule, the subject of this letter shall be a faithful narrative of the tryal, condemnation, and execution of one of our presbyterian preachers, who made an attempt on the sacred person of the Archbishop of St Andrews, in the month of July, 1668. The story is very comprehensive, and will invite me to speak of many particular things and persons; and it will be difficult for me to pass through it all without touching a little upon public affairs, in doing of which I shall endeavour to perform the part of a faithful historian, in writing nothing but matter of fact.

I have already fix'd the beginning of this story in the month of July, 1668; but the execrable wretch resolved to do the fact two years before, and languished all the time for want of an opportunity to execute his inhuman design. At last, having observed that the lord primate used always to go about this town in his coach, he resolved to pistol him in it; and accordingly, on Saturday of the aforesaid month, discharged a pistol, loaden with three bullets, at him, which were intercepted by the arm of the Lord Bishop of Orkney, who at the same instant was getting into his grace's coach. As soon as he had shot, he walked fast away; and, as he crossed the street, the primate got a view of his face. He was not immediately pursued, which gave him opportunity to escape into the house of one Ferguson, an ejected minister, which, being in an obscure place of the town, he had prepared for a retreat, in case he could get safe thither.

There, having disguised himself by putting on a perriwig and changing his clothes, he immediately went into the street again, and made as great a bustle as any in the throng to find out the assassin who had shot at the primate, and, as he hoped, had kill'd him in his coach. He was known by none in the crowd, but by three of his confederates, who had come to town on purpose to assist him in his bloody design.

Their designations, or titles, were Barscob, Mandroget, and Major Lermouth, who had been ring-leaders in the rebellion at Pentland-Hills in the year 1668. The assassin joyn'd himself with these three, and, after a consultation what they should do for their further security, they unanimously resolved to retire into the garden of Sir Archibald Primrose, the lord chief justice, who had for many years the misfortune to be esteemed a favourer and encourager of the fanatical faction; tho' it be hard to imagine how a man, that hath gotten so great an estate by the king's royal bounty, should have so much favour for the worst of his subjects, unless he hath lost all sense of gratitude and honour.

Certain it is, that there are such monsters of disloyalty and ingratitude in the world; and as certain it is (tho' he be not one of them) that the credit he hath with that party encouraged this murnival of rebels and murderers to shelter themselves the following night within his precincts, rather than any other man's in this populous town. But the morning approaching, they thought it safer to quit the town; and the other three conducting Mr James Mitchel, (for that's the name of this abominable man,) he made a final escape by their assistance, and was never after seen in this country, till the latter end of 1673. In this interval, betwixt July 68 and the latter end of 73, he had rambled through Holland, England, and Ireland, from whence he return'd to his countrey, resolved (as it seems) to assassin the primate again. Not long after his return he married, and repair'd with his wife to Edinburgh, presuming, that after more than five years absence, he might live *incognito* here, at least so long till he could find another opportunity to execute his bloody design. In order to which he hired a shop within a door or two of the primate's lodgings, where his wife pretended to sell tobacco and brandy, and such like things.

But he had not long frequented there before he was discovered, and apprehended upon suspicion; and when he was taken (which was on the same day of the week, and in the same place where he had formerly stood to commit the fact) there were two pistols found about him, in size and shape like that which the primate saw him hold in his hand immediately after he had shot at his grace, and, upon search, they were also found to be charged with three bullets each. Being apprehended by Sir William Sharp, he was immediately brought to his brother the primate's lodgings; and though a great crowd had pressed in after him, yet his grace knew him at first sight from all the rest, (such a deep impression the transient view he got of him, after the shot, had made upon him,) and going strait up to him, without any hesitation he said unto him, "You, sir, are the man!" upon which the wretch trembled and grew pale.

Not long after he was convened before the privy council, and the Duke of Lauderdale, his majesty's high commissioner, then sitting in council; but he would confess nothing before them, which made the right honourable board depute a committee for his farther examination, before which he freely confess'd the fact, and afterwards acknowledged and sign'd his confession before the king's high commissioner sitting in council, with the Lord Halton, the treasurer deputy, the Earl of Rothes, lord chancellor, and some other of the council subscribed as witnesses; and this paper was brought at his tryal against him as a judicial confession of his crime.

After this examination of him before his majesty's high commissioner sitting in council, (which happened in February, 1674,) he was put upon his tryal in the criminal court; but after his indictment was read, he deny'd it, and retracted the confession, which he had freely made, without any promise of pardon, before the high commissioner and the council; upon which Sir John Nisbet, his majesty's advocate, (who, notwithstanding his fair pretensions to the church, either loves or fears the fanatical faction too much,) seem'd very much surprized, and desisted immediately from his prosecution, desiring the judges to adjourn the court; and from that time would never pursue the murderous villain again, although he was obliged by his office to do it, as well as by the archbishop, who *in causa sanguinis* would not pursue him himself. The judges also, at that time, had no great stomach to sit upon the tryal of this bloody saint; so that the privy-council were forced to send him prisoner to the Basse, (a rock in the Forth, where I wish all his brethren were,) where he continued till the latter end of last December, when the privy-council sent for him to be try'd again.

About this time it was rumour'd about town and country, that the whigs (for so we call fanaticks) design'd to take off both the archbishops, and some other bishops, by assassination; and likewise vehement suspicions and presumptions were found that they had the like design on other eminent persons who were most concern'd, and resolved to see them reduced to order and obedience: and therefore the council thought it expedient to prevent such barbarous attempts, and to secure the lives of his majesty's faithful ministers, to bring Mr Mitchel to publick justice, that the remonstrator-presbyterians of our country might see what their Clements and Ravillacs were to expect.

Since the Duke of Lauderdale came last hither, Sir John Nisbet resign'd his charge, and his majesty put Sir George Mackenzy, a learned and worthy gentleman, into his place, who, in obedience to the order of the privy-council, pursued this common enemy of mankind with a courage and zeal that became such a gallant man and a good Christian, although he foresaw he must for ever disoblige that implacable party which hath sworn to extirpate episcopacy here.

You may easily judge with what deliberation and caution this miscreant's process was made, seeing his tryal was dependant four days; for he was arraign'd on Monday the seventh of January in the morning, and received not sentence till the following Thursday, at two in the afternoon. As the privy-council were very just, so were they

exceeding merciful to this inhuman man; for, at the instance of his majesty's advocate, they commanded Sir George Lockhart, one of the best lawyers of this nation, to be of his council; and had he been the greatest subject of the three kingdoms, his cause could not have been more strenuously defended, nor his process made with more care.

The first day was spent in reading the indictment, and discussing some preparatory doubts necessary to be determined by an interlocutory sentence before the assize, which you call the jury, could be impannell'd, and the witnesses sworn. The doubts were three: First, Whether that confession which the pannel (for so we call the prisoner at the bar) made before the king's high commissioner and the privy-council, sitting in council, were judicial or extrajudicial? The second was, Whether, if this confession should be made appear to be upon hopes or promise of pardon, it should not serve for the prisoner's exculpation? And the third was, Whether, by a certain act of parliament made for the security of his majesty's privy counsellors and officers, the attempted assassinage of the primate, who was, and is, a privy-counsellor, were capital or no? All which preliminaries the judges deliberated upon, and debated among themselves on Tuesday, and on Wednesday following pronounced their interlocutory sentence in the affirmative upon the several heads.

You may perceive, by the terms wherein I am forced to couch the narrative of his trial, that we have much of the civil law. Indeed it is the [1] common law of our country, and takes place in all cases that cannot be determined by our statute or consuetudinary laws. I know very well you understand nothing of it, but yet your reason cannot but suggest unto you that an interlocutory is opposite to a definitive sentence, and that this is nothing but the final doom, consisting in the condemnation or absolution of the criminal; so the other is a decision of such incident and emergent matters of law as intervene betwixt the beginning and end of the cause.—LANCELOT. *instit. juris. Oxon. l.* 3. *tit.* 15. *paragr.* 1.

But to return to my narrative. After the interlocutory was pronounced, the jury was impannell'd, and the witnesses sworn, some of whose depositions I shall set down as I heard them; and I think I shall never forget them as long as I can remember my name.

The keeper of the tolbooth's son (for so we call the prison here) deponed, That having ask'd the pannel how he could do such a barbarous action, in cold blood, against a man that had never done him wrong? he answer'd, That it was not done in cold blood, for the blood of the saints was reeking yet at the cross in Edinburgh. By the saints he meant the rebels at Pentland-Hills in 1666, one of which he himself had been; and some principals whereof, that were taken in the field, had been executed about two years before at the cross in Edinburgh.

The Lord Bishop of Galloway, (whom no good churchman here ought to mention without honour and respect) having first asserted the privilege that is granted to bishops, to have their depositions taken at home, according to the civil and canon-law, and protested that his obedience to the court should be no prejudice to that privilege, deponed, That having ask'd the prisoner, What moved him to make such a bloody attempt on an innocent man? he answer'd, That he did it because he apprehended him to be an enemy to the people of God.

The Lord Halton deposed, That having ask'd him, How he durst be so wicked as to do such an execrable fact? he answer'd, That he did it because the archbishop was an enemy to the godly people of the west.

Furthermore, the lord chancellor and the Lord Halton testify'd upon oath, (for with

[1] *Duck de usu, et autorit. leg. Civ. l.* 2. *c.* 10.

us the greatest peers must be sworn,) That he own'd the confession produced in court before the privy-council, and acknowledged their names, which were subscribed under it, and the pannel could not deny his.

These depositions being taken, there was no way left to save the pannel's neck but by making it appear that he had made this confession upon promise, or hopes of pardon; and therefore his advocates desired that the lord chancellor might be call'd to declare upon oath, if he did not encourage him to confess upon promise, or oath, to endeavour to secure him, life and limb, as he alledged his lordship did. But he declared, upon the great oath he had taken, that he never made any such promise or oath unto him. And the Duke of Lauderdale and the Lord Halton being also call'd to depone upon that particular, testify'd, That they never knew that the lord chancellor, or any other, had encouraged him to make that confession upon hopes or promise of pardon, which, if it could have been legally proved, he must have been absolved.

The impudent villain likewise desired the lords justiciary, (whom before I called the judges, in your style,) that the primate himself might be cited into the court, to declare upon oath, if he did not encourage him to confess upon a promise to endeavour to procure his pardon, to which being sworn, he answer'd, That immediately after his apprehension he took him aside to discourse with him in private, where he did assure him he forgave him, and would endeavour to save him from publick justice, if he would confess the fact; but that upon this encouragement he would make no confession, nor ever after offer'd any to him; so that tho' he still forgave him, yet he did not conceive himself bound to endeavour his preservation after more than five years obstination in his crime.

[1] The matter which Hickes passes over so slightly reflected the utmost infamy upon his patrons, the Duke of Lauderdale and Archbishop of St Andrews, as appears from the following more authentic statement:—

"Archbishop Sharp had observed a person who eyed him attentively, and imagined that he beheld the person who had attempted his life When arrested, he proved to be Mitchel, a fanatical preacher; a loaded pistol was found in his custody, to confirm the suspicion; but no proof appeared of his actual guilt. To discover his confederates and the extent of the danger, a solemn promise was made by Sharp to procure his pardon, if he would confess the fact. On the most solemn assurance of life, confirmed by the chancellor, commissioner, and privy-council, he acknowledged the attempt to assassinate the primate; but, instead of numerous associates and a regular conspiracy, none but a single person, then dead, was privy to the design. Disappointed and mortified at such a slight discovery, the perfidious council proceeded to determine what punishment less than death might be inflicted on the crime. The justiciary court was instructed secretly to pronounce a sentence for the amputation of the hand; but when produced to renew his confession at the bar, the whisper of a judge, in passing, admonished him to acknowledge nothing, unless his limbs, as well as his life, were secured. The torture was next applied, under a false pretext to extort a confession of his concern in the insurrection of Pentland; and after enduring the question till he fainted under the strokes of the executioner, he remained four years in fetters, forgotten in the solitary confinement of the Bass. His trial, on the return of Lauderdale, was now resumed at the instigation of Sharp. Nisbet, the king's advocate, was displaced for Mackenzie, who, as Mitchel's counsel in the former trial could not be ignorant of the assurance of his life, yet preferred an indictment against him for a capital crime. Primrose, from the lucrative office of clerk-register, removed to be justice-general, transmitted privately to his advocates a copy of the act of council in which the assurance was contained. His former extrajudicial confession, the only evidence of his attempt to assassinate a prelate and a privy-councellor, was attested by Sharp, the primate, Rothes, the chancellor, Lauderdale, high-commissioner, and Hatton, a lord of the treasury and session, who did not scruple, in their zeal to convict the prisoner, to declare, on oath, that no assurance whatever had been given for the preservation of his life. The copy of the act of council was produced. The books of council, deposited in the adjoining chamber, were demanded as evidence of the prisoner, since his extrajudicial confession before the same judicature was admitted as proof. But the Duke of Lauderdale, as a witness not entitled to speak, interrupted the court in a strain of imperious authority, declared that the books of council contained the secrets of the king, which no court should be permitted to examine; and concluding that the four councellors came not there to be accused of perjury, it was immediately understood that they were all forsworn. The court, intimidated perhaps by his threats, determined, by an obsequious majority, that it was too late for the production of the record, of which an authenticated copy had been refused by the clerk. But it is observable, as a melancholy instance of the depravity or servility of the bench, that the justice-general, who furnished a surreptitious copy, and had previously admonished Lauderdale of the existence of the act, possessed neither the virtue nor the fortitude to attest the fact as a witness or a judge, but pro-

There were many other witnesses ready to depone, of which there was no need; one of them could have testify'd, That he heard him say, that he would do the fact, if it were to be done again. And another could have deponed, That he heard him say, "Let me but shoot at him again, and I'll be content to be hang'd if I miss." The jury, which consisted of fifteen gentlemen, unanimously found him guilty; and when sentence was pronounced, That he should be carried to the common place of execution, and there be hang'd, he told the justiciary lords, that he took it as from God, but not from them.

Since he was condemn'd, he desired that some conventicle ministers, that were imprisoned with him, might be admitted to give him comfort; and obstinately refused the assistance of the ministers of our church. However, one of them went to him to remind him of the murder he was guilty of in the eyes of God, tho' he suffered him not to effectuate his design. But instead of making any impression on his hardned heart, or receiving common acknowledgments for his good will, he received nothing from him but reproaches, being told by him that he was a murderer of souls, and had the blood of souls to answer for, with many more rude and enthusiastick expressions, which would be too long to relate.

He was a lean hollow-cheek'd man, of a truculent countenance, and had the air of an assassin as much as a man could have. He came with his perriwig powder'd to the bar, and behaved himself there with as much assurance as men devoted to do mischief by their principles and complexion resolve beforehand always to do.

As for his original, 'tis so obscure that the mean proletarian condition of his parents affords me no notice of his birth; and for his education, after he had passed through the subsidiary part of learning, he was sent to the college of Edinburgh in the time of the late usurpation, where he made very small progress in any part of good literature, but apply'd himself to the reading of such silly fanatical books as were fit for his narrow capacity and enthusiastical temper, so that the acquired, or artificial part of fanaticism (which whigs call grace) being added to his nature, he might qualifie himself for employment and reputation, especially among the remonstrator-presbyterians, who were then the principal part of the kirk. This faction, especially in the west, was advanced so far towards enthusiasm, that they despised and suspected men of learning and sense, and began to look upon it as a stinting of the spirit to spend any study or time in preparing themselves to preach. The people especially were so possessed with this opinion, that if they came to know that their ministers preconceived, much more penn'd their sermons in their studies, they thought it a sufficient ground of with-drawing from them, as believing it utterly impossible to receive any spiritual benefit from such carnal sermons as were composed by the help of study and books.

Among these people it was that Mitchel designed to teach and preach; and therefore, after he was graduated master, (which is here at the end of four years) he apply'd himself to the study of popular divinity under Mr David Dickson, a great apostle of the solemn league and covenant; under whom he continued his method of reading modern fanatical pamphlets, that he might be an able workman, and compleately finished with all those canting affected phrases which discriminate a spiritual from a carnal preacher among our presbyterians, and are musick and charms to their enthusiastical ears. And, that he might add the practical to the speculative part of fanaticism, and be perfectly master of his trade, he frequented those private meetings where conferences, prayers, and sermons, were spoken in that dialect; and where tone, grimace,

nounced the condemnation of a man to death whom his evidence should have preserved."—LAING's *History of Scotland, Lond.* 1800, 8*vo. vol. II. p.* 71.

Lauderdale would willingly have saved Mitchell's life; but as the archbishop insisted on his execution, he gave up his cause with a profane and brutal jest, "Nay, then, e'en let him glorify God in the Grass-Market!"

and gesticulations, are far more powerful than all the true learning and eloquence in the world.

Having acted some time in these nurseries of enthusiasm he thought himself fit for any ecclesiastical employment, and therefore offered himself to be tryed by the presbytery of Dalkeith, who rejected him for insufficiency, as some yet alive can testifie to the world.

After this repulse he began to project some other way of living, and was shortly after recommended to the laird of Dundas, to be pedagogue to his children, and domestick chaplain for saying extemporary prayers. He passed some time in this family for a gifted and very holy young man, till some of the servants observed an extraordinary familiarity betwixt him and a young woman, who was the old gardener's wife. Being possessed with this suspicion they observed him more, and one night as they were watching, they saw his mistress go to his chamber, which was a summer-house built on the garden-wall. The key, as it happened, was left on the outside of the door, which one of those that watched observing, gently locked the door upon them, and immediately ran to call his master, who came to the garden to see what would be the event. After they had been as long as they pleased together, at last Hortensia comes to go out, who, to her great confusion, finding the door locked, steps back to the adulterer, who, fearing that she should be taken with him, immediately let her down the garden-wall by the help of his shirt, she hanging at one end, and he holding the other as naked as when he was born. His patron all this while beheld him like a filthy Priapus, upon the garden-wall, and the next day, in great indignation, discharged him of his service and house. I suppose this is one of his particular and private sins, which you'll find him hereafter confessing in his speech, deserved a worse death than he endured.

Afterwards he came to Edinburgh, where he lived some years in a widow's house called Mrs Grissald Whitford, who dwelt in the Cowgate, and with whom that dishonour of mankind, Major Weir, was boarded at the same time. By his conversation, it may be presumed that Mitchel improved much in the art of hypocrisie, and drank in more deeply those murderous and treasonable principles which he afterwards practised in the whole course of his life, and justified at his death. Now began he to converse with the most bigot zealots against authority, to frequent and hold conventicles to preach up the covenant, and to the utmost of his power to promote the schism which was begun in the church. By these practices he much endeared himself to his tutor, Major Weir, who recommended him for a chaplain to a fanatical family, the lady whereof was niece to Sir Archibald Johnston, laird of Wareston, one of the most furious rebels against the late blessed king, and greatest compliers with the late usurpation, in the three kingdoms, and whom you may remember to have been president of the committee of safety; for all which accumulated treasons he was executed here in 1663.

During his abode in this family, broke out the rebellion of the fanaticks in 1666. He no sooner heard of it but joyned with the rebels, who were defeated at Pentland-Hills; though Mr Welsh, (as it is reported) during the fight, prayed with uplifted hands to the Lord of Hosts against Amalek, (as his spirit moved him to miscall the royal forces,) and had his hands stayed up by some of his brethren, as Moses had his by Aaron and Hur. Mr Mitchel had the fortune to escape from the field, but was afterwards proclaimed traytor, with many other principal actors in the rebellion; and afterwards excepted by name in his majesty's gracious proclamation of pardon, that he might receive no benefit thereby. From this time he skulked about, and sheltered himself among the rebellious saints of the brotherhood, till the devil tempted him to assassinate the Lord Primate, for which he hath expiated by his blood.

Among others of his excellent qualifications, I have told you what an utter ignoramus he was; and I cannot forbear to tell you farther, that Welsh and Arnot, and all

the rest of them, are full as illiterate as he, and that their insuperable ignorance in divine and humane learning is the mother of their murdering zeal. Indeed all the late troubles upon the account of episcopacy are chiefly to be ascribed to the shameful ignorance of protestant divines in ecclesiastical antiquity, who, looking no farther back into the history of religion than the time of the Reformation, and some of them not so far, did either hate episcopacy as an usurpation, or else looked upon it as a meer human constitution, and so could not have that particular veneration for it that was due to an apostolical ordinance, so visibly founded in the scriptures, and which was the sole invariable government of God's universal church for above 1500 years.

Of this, that excellent man Mr Henderson was a deplorable example, who though he was a man of great temper and prudence, and very learned in his way, yet want of antiquity, of which he was ignorant, was the unhappy cause why he engaged for the covenant against the king and the church. Had he spent but half so many hours in that, he had never moved so eccentrically to the church, nor done those things for which he expiated with tears before his late blessed majesty at Newcastle, afterwards spending the short remainder of his life in a sorrowful penitential retirement, for which he grew suspected by his brethren of the covenant, who called him apostate from the cause. There are many persons yet alive who can testifie this to be true, which may teach all divines how dangerous it is for them to live in ignorance of ecclesiastical antiquity, which is so easily acquired and so useful to be known. That comprehensive genius, Mr Calvin, wanted nothing but this to make him as orthodox and consummate a divine as ever was in the church of God; for had he been but half as well versed in the more primitive ecclesiastical writers as he was in St Augustine, he had never coined the notion of a lay-elder, defended the horrible decree, or been exposed for so many absurdities by meek[1] Cassander's pen.

But to conclude this digression with Mr Henderson, there were very few among our covenanting-ministers comparable to him for prudence and learning; and yet even the lowermost form of our former presbyterians were great men in comparison to these of the remonstrator faction, who are all burning zeal but no knowledge; as you will perceive not only by the sequel of this story, but this letter of an ignorant minister, that lately revolted from our church.

Sir,

I received your letter of the 15th of July, wherein you say, That on the first Wednesday of August you are to have a presbytery, (you ought to have termed it a meeting of the exercise,) and on the second Wednesday of August, a provincial meeting with your Bishop of Rothesay. And, once for all, I desire you may take this for an absolute answer; first, That God hath for a long time been dealing with my conscience, but especially since October last, when I was called to Mul for electing Mr Andrew Wood, bishop (I confess his want of the Irish language did stick with me, besides many other things, as well now as before, about the election of Mr James Ramsay; and all of you, save one, did then profess that they did stick with you also, though now you have swallowed down that pill with many more,) and that in such an extraordinary, dreadful, and terrible manner, for my engaging to prelacy and a lordly government over the church of Christ, (contrary to which there lie so many ties and obligations on this land,) that, with the grace of God, I would not adventure to abide the terror of the Lord for all the stipends and preferments in Europe. And truly the worst I wish to you, or any prelate in Britain or Ireland, or their adherents, is, that they may have as sound a yoaking with their consciences as I have had, if they be not incorrigible enemies of Christ. Next, upon serious search of the word of God and of

[1] In defens. lib. de Offic. Pii viri.

antiquity, I am the more confirmed in my resolution. Blondellus, Salmatius, Gerson, Bucer, yea the whole current of primitive fathers, especially Smectymnuus, have vindicated presbytery against the whole world. I want not many more solid reasons to add, only I suppose I could never be satisfied in them, and therefore I forbear.

To conclude, I do here, before God and the whole world, profess my disowning of lordly prelacy, as it is now established in our land, which I was once most fully engaged into; and my firm and resolute adherence to the doctrine, worship, discipline, and government of Scotland, as it was professed in this nation from the year of our Lord 205, and downward for the space of 230 years, and then since the year 1580 till the year 1610; and then from the year 1638 till the year 1661, and from thence downwards by many godly in these three lands, till this very day is; and more particularly to the point, that government of Christ's church by an equality and parity of pastors and ministers, all of them with one shoulder carrying on the work of the Lord, and exercising the keys of order and jurisdiction, doctrine and discipline in *communi*, according to due order, and feeding the flock of God, not as being lords of God's heritage, but ensamples to the flock; yea, I do here, (with all the Lord's faithful servants and witnesses in these three lands, both in the present and some former generations, and with all the Lord's witnessing and suffering servants and people, that have been, or now are in this land, or present generation,) confess and bear my witness and testimony, the cause of God, and the work of reformation, so much as was attained thereof, how afflicted and borne down soever, and to the confessions of faith of the church of Scotland and of the three kingdoms, and to rational and trinational covenant; and that I do rather choose to suffer affliction with the poor suffering people of God, than to enjoy the pleasures of sin for a season; esteeming the reproaches of Christ greater riches than all the pleasures and preferments in the world. I desire you, with your brethren, to consider those scriptures and take them home to you; Isa. lxvi. 5. Zach. xi. 5. John xvi. 2, 3. John ix, 1. 10. Remember your worthy bedfellow that is this day, I hope, in glory, shall bear witness against you. Farewel for ever, lordly prelacy, for I had never a joyful hour since I engaged therein; and welcome, welcome, my dear Lord Jesus Christ; I embrace thee with the arms of my soul and thy cross; I profess this, confess thee bearing my testimony to thee, and thy persecuted truth, and by thy blood, and the word of thy testimony; and not loving my life unto the death I hope to overcome.

Sic subscribit, ALEX. SYMER,
Minister of the Gospel at Cambre.

Cambre Isle, August 6, 1677.

Unless you are versed in our historian Buchanan, you will wonder why this learned antiquarian should assert, that the government of our church was presbyterian from the first plantation of the gospel in 205, or rather 203, till the arrival of Palladius in the middle of the fifth century. You must know, therefore, that all the authority our presbyterians have for this assertion is from Buchanan, that furious enemy of bishops; who, in the fifth book of his history, writes, that the church in the aforesaid time was not governed by bishops, but by the monks or Culdees; which, were it true as it is false, would prove that the government of the church in that interval was not presbyterian but perfectly laical, seeing it was long after that time that monks were admitted among the clergy, and permitted to meddle with church affairs. But you may find a larger confutation of this groundless assertion of Buchanan in Archbishop Spotswood's history, in the seven first pages of the first book.

But to continue my narrative of Mr Mitchel, I proceed to acquaint you with other memorable things that happened between his condemnation and execution, which

was on Friday the 18th of January, in the Grass-market, about three of the clock in the afternoon.

Some time before the execution the Reverend Mr Annand, dean of Edinburgh, not discouraged with the unthankful returns one of his brethren had received from the malefactor before, out of his tender compassion to his soul, wrote him a very affectionate and pious letter, wherein he endeavoured to shew him, from the gospel, how contrary his principles and practices were to the doctrine of Christianity; and exhorted him to repentance for that unchristian attempt, by which he designed to take away the life of one sacred person, and grievously wounded another, &c. To all which he returned this answer:—

SIR,

I received yours, and since my time is very short and so very precious, I can only thank you for your civility and affection, whether real or pretended; and I tell you, I truly close with all the precepts of the gospel to love and peace, and therefore pray I both for Mr Sharp and you. But knowing both Mr Sharp's wickedness and my own sincerity, and the Lord's holy sovereignty to use his creatures as he pleases, I can only refer the manifestation of my fact to the day of God's righteous and universal judgement, praying heartily that God may have mercy on you, and open your eyes to see both the wickedness of all your ways, and of your godless insulting over an unjustly condemned dying man, and grant unto you repentance and remission of your sins. I am in this your well-wisher,

JAMES MITCHEL.

The dean, in his letter, urged an excellent argument to convince him that the impulse, which was upon him so many years to assassin the primate, could not come from God, like the impulse of Phineas and the zealots, because he failed in the attempt, which never any person did or could do that was moved by God to do an heretick act. But you see the blind pseudo-zealot takes no notice of this argument in his answer, wherein to shew what an implacable enemy he was to the office, as well as the person of the archbishop, he mentions his grace not by his character but by his name.

Having been told in the prison that he would not be permitted to speak to the people before his execution, he transcribed several copies of his intended speech, whereof one was found in his pocket, and taken from him before he was carried out to execution. It is long, and the former part containing nothing but libellous reflections on the privy council, the judges, and the king's advocate, I shall content myself to send you a transcript of the latter.

" I acknowledge my particular and private sins have been such as have merited a worse death unto me; but I die in the hope of the merits of Jesus Christ, to be freed from those eternal punishments due to me for sin. Yet I am confident that God doth not plead with me in this place for my private and particular sins, but that I am brought here that the work of God might be made manifest, and for the tryal of faith, John ix. 3. 1 Pet. i. 7. And that I may be a witness for his despised truth and interest in this land, who am called to seal the same with my blood. And I wish heartily that this my poor life may put an end to the persecution of the true members of Christ in this kingdom, so much actuate by these perfidious prelates; and in opposition to whom, and in testimony of the cause of Christ, I at this time willingly lay down my life, and bless my God that he hath thought me so much worthy to do the same for his glory and interest. Finally, concerning a christian duty in a singular extraordi-

nary case, and my particular judgment concerning both church and state, it is evidently declared and manifested more fully elsewhere. So farewell all earthly enjoyments, and welcome Father, Son, and Holy Spirit, into whose hands I commend my spirit."

As to that particular christian duty in an extraordinary case, and his judgment concerning church and state manifested elsewhere, he means a large blasphemous libel which he left behind him, wherein he endeavours to justifie his fact. It is very long, but yet I beseech you to read it over, and if you have not read *Naphthali*, nor *Jus Populi Vindicatum*, which is a reply to the answer which the Bishop of Orkney (whom this miscreant wounded) made to Naphthali; I am confident you must be surprized with horror and astonishment, to see such unchristian doctrines come from a christian pen. Yet the primitive churches never received the apostolick epistles with greater veneration, than the members of our field congregations receive such discourses as this; nor can any churchman respect any ancient ecclesiastical writer half so much as they adore Naphthali, which is written in the defence of the rebellion in 1666, and wherein this horrid man's attempt upon the primate is commended for an heroical act; and that cursed book, with *Lex, Rex, Jus Populi Vindicatum*, and Mr Rutherford's letters, are the fathers and counsels of our Fife and western whigs.

I have here subjoyned the account of myself, principles, and foresaid practices, as they were set down in a letter to a friend; and another declaration, both written by me, when first convened before the lords justices, in the year 1674.

The Copy of my Letter, Edinburgh Tolbooth, February the 16th, 1674.

SIR,

Me, (who may justly call myself the least of all saints, and the chiefest of all sinners,) hath Christ his Son our Lord called, to be a witness for his destroyed truth and trampled-on interest, by this wicked, blasphemous, and God-contemning generation, and against all their other perfidious wickednesses. Sir, I say the confidence I have in your real friendship and love to Christ, his truth, people, interest, and cause, hath encouraged me to write to you, hoping that you will not misconstruct nor take advantage of my infirmities and weakness. You have heard of my indictment, which I take up in these two particulars: First, (as they term it) rebellion and treason, anent which I answered to my lord chancellor, that it was no rebellion, but a duty which every one was bound to have performed, in joining with that party; and in the year 1656, Mr Robert Lightonne being the primate of the college of Edinburgh before our laureation, tendered to us the national covenant and solemn league and covenant, which upon mature deliberation I found nothing in them, but a short compend of the moral law only, obliging us to our duty towards God and men in their several stations; and I finding, that our then banished king's interest lay wholly included therein, viz. both the oath of coronation, allegiance, &c.; and they being the then *tessera* of all loyalty. And, my lord, it was well known, that then many were taking the tender, and forswearing Charles Stuart's parliament and house of lords, I then subscribed them both. The doing of which, my lord chancellor, would have stood me at no less rate, if all's well known, than this my present adhering and prosecuting the ends thereof doth now; and when I was questioned, What then I called rebellion? I answered, that it is, (Ezra vii. 26) "And whosoever will not do the law of thy God and of the king," &c. But being questioned by the commissioner before the council there anent, I answered, as I said to my lord chancellor before, in the year 1656. Mr Robert Lightonne being then primate of the college of Edinburgh, before our laureation,

he tendered to us the national covenant, and solemn league and covenant, where he stopped me, saying, I made you are come here to give a testimony; and then being demanded what I called rebellion, if it was not rebellion to oppose his majesty's forces in the face? To which I answered, My lord commissioner, if it please your grace, I humbly conceive that they should have been with us; meaning that it was the duty of those forces to have joyned with us, according to the national covenant, at which answer I perceived him to storm. But, says he, I hear that you have been over seas; with whom did you converse there? Answer, With my merchant, my lord. But, saith he, with whom in particular? With one John Mitchel, a cousin of mine. Saith he, I have heard tell of him, he is a factor in Rotterdam, to which I conceded. But, saith he, did you not converse with Mr Levingston, and such as he? To which I answered, my lord commissioner, I conversed with our banished ministers; to which he replyed, Banished ministers! Banished traytors! He will speak treason at the very bar. Then he answered himself, saying, but they would call shooting at the bishop an heroick act; to which I answered, that I never told them of any such thing. *Quest.* But where did you see James Wallace last? *Answ.* Towards the borders of Germany, some years ago. *Quest.* But what ailed you at my Lord St Andrews here? pointing at him with his finger. *Answ.* My lord commissioner, the grievous oppression and horrid bloodshed of my brethren, and the eager pursuit after my own blood, as it appeareth this day to your grace, and to all his majesty's honourable council; after which he commanded to take me away, that they might see next what to do with me.

The second is the shooting that shot, intended against the Bishop of St Andrews, whereby the Bishop of Orkney was hurt; to which I answered my lord chancellor in private, viz. That I looked upon him to be the main instigator of all the oppression and bloodshed of my brethren that followed thereupon, and the continual pursuing after my own: and, my lord chancellor, as it was credibly reported to us, (the truth of which your lordship knows better than we,) that he kept up his majesty's letter, inhibiting any more blood to be shed upon that account until the last ten were executed; and I, being a soldier, not having laid down arms, but being still upon my own defence, and having no other quarrel nor aim at any man, but according to my own apprehension of him, and that, as I hope, in sincerity, without fixing either myself or any one upon the covenant itself; and, as it may be understood by many thousands of the faithful, besides the prosecuting of the ends of the same covenant, which was, and is in that part, the overthrow of prelates and prelacy. And I, being a declared enemy to him upon that account, and he to me in like manner, so I never found myself obliged, either by the law of God or Nature, to set a sentry at his door for his safety; but as he was always ready to take his advantage of me, as it now appeareth, so I of him when opportunity offered. Moreover, we being in no terms of capitulation, but, on the contrary, I, by his instigation, being excluded from all grace and favour, thought it my duty to pursue him upon all occasions. Also, my lord, Sir William Sharp making his apology anent his unhandsome cheating way, when he took me under pretext to have spoken with me about some other matter, (I not knowing him until five or six of his brothers and his own servants were laying fast hold of me, they being armed of purpose,) he desired that I would excuse him, seeing what he had done was upon his brother's account, which excuse, my lord, I easily admitted of, seeing that he thought himself obliged to do what he did without law or order in the behalf of his brother; much more was I obliged to do what I did in behalf of many brethren, whose oppression was so great, and whose blood he caused shed in such abundance: moreover, he insisting in his bloody murders, as witness the wounding Mr Bruce at his taking of his emissaries, some few days before that fell out concerning himself. Now, if by any means, in taking him away, I could have put a stop to the then current persecution, thus far I have truly resumed what past.

But this answer to the second part of the indictment may be thought by some to be a step out of the ordinary way, wherefore I shall offer these things following to your consideration, viz. that passage, Deut. xiii. 9, where to me it is manifest, that the seducer or inticer to worship false gods is to be put to death by the hands of those whom he seeketh to turn away from the Lord, especially by the hand of the witnesses, whereof I am one, as it appears, Deut. xiii. 9, which precept I humbly conceive to be moral, and not merely judicial, and that it is not at all ceremonial or levitical; but as every moral precept is universal as to the extent of place, so also as to the extent of time and persons; upon which command, sir, I do really think that Phineas acted in taking away the Midianitish whore, and him whom she had seduced, Numb. xxv. 6. Also that Elijah, by virtue of that precept, gave commandment to the people to destroy Baal's priests, contrary to the mind of the seducing magistrate, who was not only remiss and negligent in executing justice, but became a protector and defender of the seducers: then, and in that case, I suppose the Christian's duty not to be very dark. Moreover, we see what the people of Israel did, 2 Chron. xxxi. 1; they destroyed idolatry, not only in Judah, where the king concurred, but in Ephraim and Manasseh, where the king himself was an idolater; and surely what all the people were bound to do, as their duty by the law of God, every one was bound to do it to the uttermost of their power and capacity: and as it is, Ezek. xiii. 3, where the seducer's father and mother shall put him to death, I take this to be meant of the Christian magistrate; but when he is withdrawn by the seducer from the exercise of his office and duty, and he's become utterly remiss and negligent in putting the seducer to death, according to God's express law, which is not to be expected of him, (for then he should do justice upon himself,) but is become a protector and defender of the idolater; then I doubt not, but it doth become the duty of every Christian, to the uttermost of his power and capacity, to destroy and cut off both idolatry and idolaters. Yea, these presumptuously-murdering prelates ought to be killed by the avenger of blood when he meeteth them, by the express law of God; seeing the thing is manifestly true, Numb. xxv. 21, and not have liberty to flee to such cities of refuge as the vain pretext of lawful authority; but they should be taken even from the horns of such altars and be put to death. Moreover, what is spoken of concerning Amelek, upon the account that he design'd and resolved the extirpation of the Lord's people and truth, who are his throne, upon which he puts forth his hand, and because he took occasion against them, Exod. xvii. 15, Numb. xxiv. 20. He endeavouring that God should not have a people to have served him, according to his revealed will, upon the earth; and, if he could have effected his design, they should not have lived who would not serve and worship him and his idol gods: and for the better effectuating of this his design, he took occasion against them when they were weary in coming out of Egypt, Deut. xxv. 17, 18; and the reason there annexed is, that he feared not God. Now, because I know bishops both will and do say, that what they did against those of the Lord's people, whom they murdered, they did by law and authority, but what I did was contrary to both. *Answ.* The king himself, and all the estates of the land, and every individual person therein, both were, and are obliged, by the oath of God upon them, to have by force of arms extirpated perjured prelates and prelacy, and, in doing thereof, to have defended one another with their lives and fortunes. The covenants being engaged into upon these terms, viz. after supplications, remonstrations, protestations, and all other lawful means have been used, now for that effect, as the last remedy we take up arms, upon which conditions the nobility, and all the representatives of the nation, according to the national and solemn league and covenant, gave to our king both the sword and sceptre, and set the crown upon his head; and he accordingly received them according to these sacred oaths and promises, and swore by the ever living God, to use and improve them for the end aforesaid: and especially, in order to the performing of this article, viz. the extirpation

and overthrow of prelates and prelacy. And now the want of what authority do they mean or speak of? Truly I know not, except it be the authority of their aggregation of new gods, of whom they have their gain, life, and standing, viz. Chemosh or Bacchus, which, with drunken Moab, delighted to dwell within dark cells, and Ashteroth and Venus, whom they worship in the female kind, because of their adulteries and whoredoms, as also Milchom or Molech, which signifies a tyrannical king, or a devil, if they will have it so, in whose arms and power they put their young infants and posterity to be burnt and destroyed, according to his lust and pleasure, Amos v. 26, Psalm cxvi. 37, and that Mammon, which they delight to worship daily, together with their own bellies, whose glory is their shame, who mind earthly things, whose end will be destruction, except they repent, which there is little probability of, Psalm iii. 19. To which, if we may add their abominable pride and blasphemous perjury, then their gods will be equal in number to the whore their mother, from whom they have their being, strength, and standing; and from the devil their father, who was a deceiver, lyar, murderer, from the beginning. And now seeing the prelates possess whatsoever their gods, Chemosh, &c. giveth them to possess, then why should not we possess what the Lord our God giveth us to possess, viz. his eternal truths manifested to us in his revealed will, and keep and defend the same from all innovations, corruptions, and traditions, of his or our adversaries; defend our lives, laws, and liberties, out of the hands of our usurping enemies, Jude xi. 24; for sure I am, that God once dispossessed the prelates and malignants of all these, and should they again possess them through our defect, God forbid. But the like of this work our murthering prelates like not, who plead, like the whore their mother, for passive obedience, and that all the Lord's people, who may not comply with your idolatries, should lay down their necks to their bloody axes; with whom too, too many of our hypocritical time-serving and perfidious professors do agree, who would rather abide with Reuben, amongst the sheep-folds, than jeopard either life or fortune in the help of the Lord against the mighty, but do not consider the bitter curse pronounced by the angel of the Lord against Meroz, to which he immediately subjoins a blessing upon Jael, the wife of Hebar the Kenite. Others excuse themselves thus, viz. Vengeance is mine, and I will repay, but so the throne and judgment is the Lord's; and by this they would take away the use and office of magistracy, which erroneous principle I detest; for God, even in the working of miracles, viz. in dividing the Red Sea, Exod. xiv. 16, he commanded Moses to stretch forth his rod; and Christ, when he opened the blind man's eyes, maketh use of clay and of spittle, tho', indeed, I mean not of any who were willing to have helped, but wanted opportunity, yet there are many peevish time-serving professors, who resolve they shall never suffer so long as they have either soul or conscience to mortgage, providing that they may save them from suffering; and if it will not do their business, it seemeth (that before they suffer) they resolve to sell out at the ground. Now, sir, I have neither misinterpreted scripture nor misapply'd it, in regard of the persons here hinted at, nor been wrong in the end, which ought to be the glory of God, and the good of his church and people. Then I think that some persons might forbear to scourge me so sore with their tongues, while I am not yet condemned by the common enemy; and my hearing of some things reported by some behind my back hath occasioned my writing to you at this time. O, sir, be intreated to pray to the Lord in my behalf, that he would be pleased, out of his mercy and goodness, to save me from sinning under suffering in this hour and power of darkness, for my soul is prest in me, in the search betwixt sin and duty, viz. lest I should be too niggard and sparing of life when God calleth for it; and, upon the other hand, lest I should be too prodigal and lavish of it in not using all legal defences in preserving of it, and many things of the like nature. I am in a strait, O Lord, undertake thou for me. Sir, I hope you will excuse me in sending you these indistinct and irregular lines, when you consider my present

condition. Sir, believe I would many times, when I am before them, think a scaffold a sweet retirement, lest they should cheat and deceive me; in making me either to stain the declarative glory of God, my own conscience, or his people and interest, in wronging of them either by opening of the adversaries mouths against them, or in letting loose their hand upon them: henceforth let the adversary either say or do what they can, yet "the righteous will hold on their way, and he who hath clean hands will be stronger and stronger," Job. xvii. 9. "But he that saith unto the wicked, thou art righteous, him shall the people curse, nations shall abhor him," Prov. xxiv. 24. Farewell in the Lord.

P. S. It is acknowledged by all rational royalists, that it is lawful for any private person to kill an usurper or tyrant, *sine titulo*, and to kill Irish robbers and tories, or the like, and to kill boars, wolves, and such devouring beasts; because the good of this action doth not redound to the person himself only, but to the whole commonwealth, and the person acting incurs the danger himself alone. The second part of The Cloud of Witnesses, p. 60, Mr Knox has these express words, "For God," saith he, "had not only given me knowledge, and a tongue to make known the impiety of the idol, but had given me credit with many, who would have put in execution God's judgments, if I would only have consented thereto." But so careful was I of common tranquillity, and so loth was I to offend some, that, in secret conference with zealous men, I travell'd rather to slacken that fervency God had kindled in them, than to animate or encourage them to put their hands to the Lord's work, wherein I acknowledge myself to have done most wickedly; and from the bottom of my heart I do ask my God pardon, that I did not what in me lay to have suppress that idol in the beginning. But, O! how far are the men in our time from such convictions, whose work it is to put out any spark of life or zeal which appeareth in any person, against idolatry and idol of our times. Now let men, whether foes or friends, carp or quarrel never so much, yet the purpose and determination of God will not be disappointed, in living witnesses against this mis-believing generation, viz. that he is both all-powerful and willing to deliver one or more of his people trusting in Him: yea, and that there is no restraint unto the Lord, to save by many or by few, 1 Sam. xiv. 6. If any be obedient to the voice of his commandments, altho' success doth not always follow thereupon, more than it did to Israel, Josh. vii. 12, against the city of Ai, because there was an Achan in the camp; and, alas! there are many Achans in the camp of our Israel, which cause the Lord's people to fall daily before their enemies, and which makes all their endeavours unsuccessful: I mean the hidden, time-deserving hypocrites and murmurers, who have preferred their backs and bellies to the interest of God, and their hearts still desirous to return to Ægypt. I say, until such rebels be purged and dye, we can have little expectation to prosper in any enterprize or undertaking, for they have both betray'd and mis-believed God, notwithstanding of all his miracles which he did of old, and which he has done in our days, for his people, and before their eyes; yet they are so far gone back in a course of apostacy and compliance with the Canaanites of our times, and are become so brutishly ignorant of the express law of God, and are such enemies thereto, that they do rather concur with the said Canaanites, Judg. vi. 25, to have Gideon put to death for performing his duty, conform to the express command of God, than either to study thereof themselves or give obedience thereto. But if it be objected, that Gideon had an express command from God for throwing down of Baal's altar, and for cutting down of the grove, and destroying of the Midianites. *Answer.* Indeed he had an express command of God for his encouragement, but he had no new command from God, save that which was expressly enjoined upon all the Israelites; by virtue of which, every one was obliged to have done what he did, without any such message from God, Deut. vii. 2, 3, 15, and who are readier with Judas (before they incur danger or loss) to send three thousand men to bring Sampson bound to the Phi-

listines, than to have sent him ten of his assistants against the common enemy; concerning the truth of which, we have gotten many sad experiments. But, however, I hope that what hath been said shall occasion a further cognition of, and a more serious search into, these fore-mentioned truths, than hath been for a long time by-past.

That, albeit, I have singly declared my own motives and reasons for that attempt and shooting, wherein I then had, and now have, peace and hope to find acceptance of God, according to the multitude of his mercies, to such as seek and fear him in sincerity: Yet I will not take on me absolutely, and in every respect, to justifie or assert, that it is my own deliberate and fixed principle; let be that it is justified by, and is the principle of the non-conforming presbyterian party of the church of Scotland, of which I have the honour and happiness to be one, the unworthiest of many; nay, if I should say so of them, I would be found a lyar against the truth, for I adventured on it upon my own pure and proper motion, without the instigation of any, yea, without the privacy of that party; whom, therefore, I earnestly desire that none may charge with; and if any shall, I do with the greatest confidence aver, that they deal with them most unjustly. I have, I say again, in the simplicity of my heart, with candour and ingenuity becoming a dying man and a Christian, believing that he must be made manifest before the tribunal of Christ, and there receive according to the things done in the body, whether they be good or evil; giving an account of the reasons and motives, poussing and pressing me on to it, wherein I had quietness of mind in the time, and have still to this present hour; hoping that as he is sovereign Lord over all creatures, and may use any of them as instruments to whatsoever his pleasure is, and that, as I say, I did take, and do still look upon the motion as from himself, so he will accept of my sincerity in it, and one day both bring forth his own and my righteousness as the light.

FINIS.

His Speech at the Place of Execution.

I suppose some will be desirous to know what hath brought me to this place of suffering, to which I have no other answer than that which Elijah gave when threatened with death by Jezabel, 1 King xix. 14, I have been very jealous for the Lord God of Hosts, because the children of Israel have forsaken thy covenant, thrown down thine altars and true worship, and slain his prophets and ministers; and they seek my life to take it away.

With all my heart and soul I own and adhere to the work of reformation, as it was begun and carried on in this kingdom according to the word of God, and the national covenant, and the solemn league and covenant, as it was settled amongst us in doctrine, worship, discipline, and government, by general assemblies, synods, presbyteries, kirk-sessions, and the peoples just power to choose and call their own lawful pastors; and I do declare, that I judge patronage to be a popish right, and an usurpation in the house of God.

I do believe and am persuaded, that magistracy is an ordinance appointed of God, as well under the New Testament as it was under the Old, and that whosoever resisteth the lawful magistrate in the exercise of his lawful power, resisteth the ordinance and appointment of God, Rom. xiii. 3, "For he is God's minister to you for thy good," and in doing good thou needs not be afraid of him, 1 Pet. ii. 12. We must obey the lawful magistrate for conscience sake, Deut. xvii. 15, 16, 17. The lawful magistrate must be a man qualified according to God's appointment, and not according to the people's lust and pleasure, lest in the end he should prove to them a prince of Sodom and a governor of Gomorrah, whom God in his righteousness should appoint for

their judgment, and establish for their correction. He must be one of thy brethren, and not the face of a stranger; he must not make himself strong by multiplying of horses, to the end he may compel the Lord's people to rebel against the Lord's express command, nor, Jeroboam-like, compel the people to any course of apostacy; he must not multiply wives to himself, and much less whores, nor marry an idolatrous wife, like Jezebel, 1 Kings xvi. 31; nor be covetuous in multiplying to himself silver or gold; he must be a diligent student of the law of the Lord all the days of his life, that he turn neither to the right hand nor to the left hand therefrom, but must judge the people accordingly; otherwise neither he nor his children can expect to prolong their days, 2 Sam. xxiii. 3. He must not be a son of Belial without or above order and law, whom a man cannot touch except he be fenced with iron, for such shall all be prest away; " For, (saith David) he that ruleth over men must be just, ruling in the fear of the Lord," &c. But if a man, simulating himself to be thus qualified, and thereafter, when he had strengthened himself upon the throne, shall abjure and sacrifice his oath and covenant both to God and his subjects, and shall transgress the law and commandment of the Lord, who hath given the magistrate only one accumulative power, to promote, protect, and defend God's laws, truth, and people, from being corrupted, violated, or any ways damnified; and for that end he hath received both his place and his power from God and men, for he hath not received of the Lord an obstructive, destructive, or privative power; for (as has been said) the people can give no right nor power to any man but what is according to God's appointment, lest they should incur the sad challenge from God, Hosea, viii. 4, " They have set up kings, but not by me; they have made princes, but I knew it not." For in chap. x. v. 3, Israel there is brought in confessing their fault, and they deny'd they had a king, because he was not such as God had appointed, and said, What should a king do to them? Seeing he had partly by force, and partly by fraud, withdrawn them from the fear and obedience which they owed to God and to his law, and had seduced and compell'd them to idolatry and worshipping of false gods. And if the magistrate being in power shall overturn the covenant-work of God, his truth and interests, the fundamental and municipal laws of the land, and moreover by a settled parliament, according to his own mind, and for his own use and ends, they, as the peoples representatives, do by acts rescissory rescind all acts of laudable lawful parliaments, committee of states, or councils, wherein were contained or comprehended any mutual bond, obligation, covenant, or contract, betwixt the prince or people, he having divested himself of any legal right he could have or pretend over such a people, and they being *in statu quo prius*, and none having right to rule over them without their own consent; if the aforesaid magistrate shall then again usurp and invade his peoples lives, religions, liberties, and laws, and make even simple supplicating of him crimes of treason, contrary to the dictates of Nature; and he, by armed emissaries and by his arbitrary power, carried on by the sword in their hands, compel the Lord's people to relinquish and to forsake the true religion and worship of God, and make a surrender of both their soul, conscience, lives, laws, liberties, and embrace a false religion and will worship, and engage to serve and worship false and idol gods at his pleasure: For thus all that is dear and near to a people being in the extremity of hazard. Now it necessarily follow'd to be the duty of such people, or any part of them, to take up arms in defence of their lives, laws, religion, and liberties, and of their posterity, that they may not be left in such an intolerable bondage; and as they would not be accounted guilty of bringing God's wrath upon the whole land, Jer. xxii. 2, 3, " Hear the word of the Lord, O King of Judah," &c. " Thou and thy servants, and the people that enter in by these gates, execute judgment and righteousness, and deliver the oppressed out of the hand of the oppressor," chap. xxxvii. 2, " But neither he, nor the servants, nor the people of the land, hearkened to the prophet Jeremiah, until wrath from the Lord consumed them all." Now, had it

not been the peoples duty to have executed judgment and righteousness, and to have deliver'd the oppressed out of the hands of the oppressor, Zedekiah and his servants (which I think was meaned by the nobility and princes) proving deficient, in order to the performing of their duty, it necessarily followeth to be the peoples duty; for if it had not been their duty, it had not been their sin to have omitted it; but here we see it is as well charged home to be the peoples sin, as to be the sin of the king, or the sin of his nobles. But say some, Who shall be judge in such cases? To which I answer, that the law of God is the only supreme and infallible judge in all such cases, for what other judge is, when two kings or monarchs falleth out in war, neither of them being subject to any other judge. But some prophane and brutishly ignorant malignant saith, that this or that ignorant fellow or hussy take upon them to determine what the law of God saith in such cases: I answer, neither this nor that ignorant fellow or hussy, nor yet this or that ignorant, prophane, wicked, or perfidious prince or princess, is capable to be judge, Deut. xxx. 11, "For this commandment which I command thee this day, it is not hidden from thee, neither is it far off:" verse 12, "It is not in Heaven that thou shouldst say, Who shall go up for us to Heaven and bring it to us, that we may hear it and do it?" &c., "neither is it beyond the sea," &c., "but the word is very near unto thee, in thy mouth and in thy heart that thou may'st do it:" and in this case I do appeal to any man of a sober wit and judgment, seeing the "secrets of the Lord are with them that fear him," Psalm xxv. 14; "And seeing evil men understand not judgment, but they that seek the Lord understand all things," Prov. xxviii. 5; "For they know not how to do right, who store up robbery in their palaces," Amos iii. 10, who is most capable to judge what the law of God determineth in all such matters. Artaxerxes, a great monarch, commanded, "That whatsoever is commanded of the God of Heaven, that it should be diligently done for the house of the God of Heaven; for why should there be wrath upon the king and his sons?" Ezra, vii. 23. But O how many men at this time of the sons of Belial, contrary to what is here spoken of, skrew up those who are above them to so high a pinnacle, and an illimitated and arbitrary power, far above what either the law of God or the law of Nature will admit of, for this very end and purpose, that they may glory in the works of their own hands; and that he whom they have thus set up, and to whom they have made a surrender of both credit, conscience, and common honesty, may return unto them a power over others who are under them, by putting swords in the hands of bloody cut-throats, who are raised and keeped up for that effect, to keep and bring into an Ægyptian bondage the persons, lives, laws, liberties, yea, even the souls and consciences, of the Lord's people; the which power I declare to be diabolical, prophane, and blasphemous, and Pharoah-like, to say, "Who is the Lord that they should obey him?" Exod. v. 2. Now, seeing both the throne and the judgment is the Lord's, then O blessed and happy magistrate, who ruleth and governeth his subjects, keeping in a straight line of subordination to God's law and statutes, for in so doing, who may say to him, What dost thou? Prov. And O happy and blessed people thus governed, Deut. iv. 8, "And what nation is there so great, that hath statutes and judgments so righteous, as all this law which I set before you this day?" But O, the blasphemous perjuries and wickedness of this apostate generation, whom no bands, obligations, nor covenants can bind, except these spoken in the 49th Psal. 8. But shall they thus break the covenant, and escape and be delivered? Ezek. xvii. 15, 18, as if the Lord's hand and power could not reach them, to inflict just and due punishment upon them which commit such things. I do detest and abhor that woful indulgence and incroachment, and usurpation on the crown and prerogatives royal of our Lord Jesus Christ, (at least in the givers thereof;) howbeit, I have very much love, charity, and affection, to many who have embraced the same: For I do really think that they have been outwitted in that matter, and have not wickedly departed from following the Lord; yet I hope they shall get their souls for a prey in

the day of the Lord, altho' they may suffer loss in building such hay and stubble upon the rock Christ Jesus, when that their work shall be burnt up by the fire of his jealousie.

I protest before God, angels, and men, against all these acts of parliament or council, which are against, and derogative to, the work of God and reformation, and carrying on of the same, according as we are ingaged and sworn in these holy bands of the national covenant, and solemn league and covenant. I abhor the shedding of the blood of the Lord's people, for their adhering to the same, and the peoples guarding such in prison-houses and at scaffolds unto their death, whom, both by the oath of God upon them, and by the eminent and laudable laws of the land, and by the law of nature, they were obliged to have defended to the uttermost of their lives and fortunes, it being most well known, that such as were put to death had committed no crime, but, on the contrary, had performed a duty which they were as much obliged to have performed as these, if the guarders had been as faithful to God and man as the pannels were.

Likewise I protest against their banishment, imprisonment, or finings, or confinements, and against all the hardships and perplexities of whatsoever kind which they have been put to through the iniquity of the times; so that we may justly with our predecessors say, that our persecutors have devoured us and have crushed us, have emptied us, swallow'd us up like a dragon, and have filled their bellies with our delicates, and have cast us out, Jer. v. 34. For which cause God gave a charge to prepare instruments for the over throw and destruction of such persecutors, ver 12, because it was the vengeance of the Lord and of his temple; so shall our remnant, who outlive these persecutors, say, ver 35. The violence done to me and my flesh be upon Babylon, and my blood be upon the inhabitants of Chaldea; let wrath from the Lord pursue them, for their blood and violence in their persons and estates, and their strength wherein they confide, and in their friends and favourites, who have consulted and contrived within their wicked courses. I hope the time is drawing nigh, and that the joints of their loins is loosing, their knees are beginning to smite one against another, Dan. v. 6, and the hand-writing begins to be pourtrayed upon the wall, because they have not consider'd what God did to their predecessors for their idolatrous pride and wickedness; altho' they knew it, yet they are become more insolent in idolatry and wickedness, and daring against God, than ever their forefathers presumed to be, in medling with the vessels and materials of God's house, and with the crown and kingly office of Christ Jesus, and have appropriate them to their own idolatrous ends and uses, verse 21, 22. Therefore, when the forbish'd sword of the Lord's indignation and justice breaketh forth to devour, which it may do before the dark night of these dreadful dispensations pass over, then shall the time-serving hypocrites of this generation begin to their untimely prayers, viz. Hills and mountains fall upon them, to hide them from the face of the righteous Judge; for who may abide the day of his coming for executing of vengeance on his adversaries? In that day the man shall be accused who keepeth back his sword from blood, and who doth the work of the Lord deceitfully, Jer. xlviii. 10. Yea, happy shall he be that taketh this cursed malignant and prelatical brood, and dasheth them against the stones; yea, happy shall he be that rewardeth them as they have served us, Psalm cxxxvii. For this honour have all his saints the high praises of God in their mouth, and a two-edged sword in their hand, to execute vengeance upon the heathen, Psalm cxlix.

Having thus deliver'd myself in the points that I have mentioned, I only add to what I have said, that I do only own these things as my own judgment in these great and important matters, not willing that any thing wherein others may differ from me should be looked upon as the principles and perswasion of that party whereto I adhere; and I obtest, that no man be so diabolick and prophane as to charge this upon any of

my perswasion, it being but my own, in which I hope God hath approven me. And whom God justifieth who dare condemn?

Now if the Lord, in his wise and over-ruling providence, bring me to the end of my pilgrimage, and to my long-looked-for and desired happiness, let him take his own way and time in bringing me to it: And, in the mean while, O my soul, sing thou this song, Spring up, O well of this happiness and salvation, of all this eternal hope and consolation; and whilst thou art burthened with this clog of a clay tabernacle, dig thou deep in it by faith, patience, hope, and charity, and with all the instruments which God hath given thee; dig in it both by precepts and promises; dig carefully and dig continually, ay and till thou come to the source and head of the fountain himself, from whence the waters of life flow forth; dig until thou come to the assembly of the first born, when this song is most suitably sung to the praise and glory of the rich mercy and free grace of this fountain of life. O my soul, follow (in all this digging) the direction of the great Law-giver; so shalt thou prosper in all thy taking of pains. O happy nobles and princes of Israel, who were admitted to the sight and to the song, to the pains and to the profit, which none of the mixed multitude of murmurers were admitted to because of their unbelief, Numb. xxi. 17. And O, Father of Mercy, while I am tossed upon the turbulent seas of manifold troubles, grant that thy presence may be with me, and that thy everlasting arms may be underneath me to support me; for sure I am, Moses thy servant had good reason to be importunate in this suit, Exod. xxxii. 2. compared with 14 and 15 ver. chap. xxxiv. 9, seeing no less could furnish him with fresh supplies in the work he was about. O let thy presence be with me, and then my soul shall dig and sing, and sing and dig through times of trouble into eternal rest, where I shall be admitted to behold the rock Christ, out of whom floweth the pure fountain and river of life and happiness, which I may drink and not be damnified through the assaults of Satan or the invasions of sin, or of a wicked world, any more. Now, according to thy promise, Matt. x. 19, out of thy fatherly mercy grant present help, supply and direction in this time of trouble, seeing it is not in man that walketh to direct his own steps, Jer. x. 23, and tho' it be a hard thing rightly to distinguish betwixt sin and duty, yet thy law, thy word, and thy truth, which are quick and powerful, dividing asunder of soul and spirit, and is a director of the thoughts, and thy law giveth light, Psal. cxix. cv. Psal. xxxii. 8, "For thy testimonies, O Lord, are sure, making wise the simple," Psal. xix. 7. For thou alone canst make all thy dispensations prove profitable, in order to the purging away of sin, even when they seem to be destructive, Esa. xxvii. 9; especially when thou intends them not for destruction but for tryal, Deut. viii. 2, 16, and for further humiliation; for thou, O Lord, hast led me for many years through a barren and wearisome wilderness, to the end that thou mayst work thy work of mortification in me; altho', if it had seemed good unto thee, thou couldst have brought me into the land of promise and rest a nearer way, Exod.xiii. 17. For thou, by hardships, many a time hides pride from men, and sealest up their instruction, that thou may'st deliver his soul from the pit, and that his life may see the light, Job. xxxiii. 17. And although thou, O Lord, should send me the back tract and tenor of my life, to seek my soul's comforts and incouragements from thence, yet I have no cause to complain of hard dealing from thy hand, seeing it is thy ordinary way with some of thy people, Psal. xlii. 6. O God, my soul is cast down within me, therefore will I remember thee from the land of Jordan, and from the hill Hermon, &c. Yea, the last time he brought me to the banqueting-house, and made love his banner over me, (amongst the cold high-land hills beside Kepper, November, 1673,) he remembered his former kindnesses towards me; but withal he spoke it in mine ear, That there was a tempestuous storm to meet me in the face, which I behooved to go thro' with the strength of that provision, 1 Kings, xix. 7. And now, O my soul, seeing it is his ordinary way and

method with thee, to send a shower and a sunblink, and again a sunblink and shower, therefore keep thou silent to God, and murmur not, fret not, be not disquieted, be still, and be content, seeing all my persecutors can do, either by fraud or force, can neither alter the nature or kind of my sufferings, or add so much as a degree thereto, neither lengthen out the time of them for a moment, Matth. x. 29. Exod. xii. 41. All Pharaoh's power could not keep Israel one night longer in Ægypt; therefore it is my duty to study with Paul, Phil iv. 11, 12, "Whatsoever state I am in, therewith to be content;" and say, "Should the earth be forsaken, and the rock be removed out of its place for me?" Job xviii. 4. Should God alter the course of his providence for me, in which there is such an efficacy as to carry all things to the proper and appointed end? What an irresistible power! And that I may be found in him, "Not as having my own righteousness which is of the law, but that which is through the faith of Christ, the righteousness, which is of God by faith," Phil. iii. 9, 10, and to resign up unto God my will and affections, to be disposed as he pleaseth, and to say with fear, humility, and reverence, "O Father, not my will, but thine be done;" and whether I live or die, I may be the Lord's, that thro' his mercy and grace I may attain to his approbation, viz. "Well done, good and faithful servant," who hath hitherto sent his angel, and "shut the lyon's mouth that they have not hurt me," Dan. vi. 22. And who hath so shut the eyes of my persecutors with a Sodomitish blindness, that hitherto they could not find out the way how to break in upon me; and I hope he will in due time bring me out of the fiery furnace, and shall not, through his grace, suffer the smell thereof to be found upon me; and if not, yet I never held it to be my duty to worship this rotten and stinking idol of jealousie, which these nations have set up, who have killed both the Lord Jesus and their own prophets, and have persecuted us, Thes. i. 15. "For thou, O Lord, hast not abhorred nor despised my afflictions when I was afflicted, neither hast thou hid thy face from me, but when I cryed unto thee thou heardest me," Psal. xxii. 24. Now, "O Lord God, thou hast made the heaven and the earth by thy great power and stretched out arm," Jer. xxxvii. 2. Bring thou me at length to a happy arrival within the gates of the New Jerusalem, where no unclean thing can come, that my praise may be of thee in the great congregation. And altho', as Job saith, chap. x. 17, "That thou, O Lord, hast deliver'd me to the ungodly, and hast turned me over into the hands of the wicked, yet by this I know that thou, O Lord, favourest me, because mine enemies do not triumph over me." When I stand in judgment, thou, O Lord, didst not condemn; and if it pleaseth thee, thou will not leave me in their hands, Psal. xli. 11, Psal. xxxvii. 33, but canst bring up my life from the pit of corruption, Jonah ii 6. And seeing I have not preferred, nor sought after mine own things, but thy honour and glory, the good, liberty, and safety of thy church and people, altho' I may be now mis-constructed by many, yet at length I hope thou, Lord, wilt make my light break forth as the morning, and my righteousness as the noon-day; and that shame and darkness shall cover all who are adversaries to my righteous cause; for thou, Lord, art the shield of my help, and the sword of my excellency, and my enemies shall be found lyars. Amen, yea, and amen.

JAMES MITCHEL.

In some parts of this villainous paper you find the author discoursing like a jesuit, in some like an enthusiast, and in many places like both; and, from the beginning to the end of it, he argues from the supposed validity of the judicial law which God gave the Israelites, not as their God, but as their political sovereign; and which they, on the other hand, received from his Infinite Majesty, not on a moral account, as his rational creatures, or the sons of Adam or Noah, but upon the account of the civil relation they had to him as subjects, or his people, in a political sense. For the Jewish government, as all their writers agree, was a theocratical constitution, or the temporal

kingdom of God, who was pleased to become Jehovah-stator, and dwell among them in a visible external manner; in so much that the judges and the kings were but his high commissioners and vice-roys, who were chosen and deposed by him at his pleasure, and, like Moses and Joshua, his first two generals, could neither make war nor peace, nor undertake any state-matter of great moment, without first asking council of the Lord.

Sometimes he answered them by messengers or prophets, sometimes by dreams and visions, but most commonly, in the time betwixt Moses and the captivity, by Urim and Thummim, which was a political oracle, appointed on purpose for the judges, kings, or generals, or the whole congregation, to consult in matters of state and war. But our Saviour, who came to break down the wall of partition betwixt the Gentiles and the Jews, threw his father's inclosure into the common again, and put an end to his political government over the Jews, who, had they embraced Christianity, and continued in their country as one entire people to this day, would not have been obliged, by their specifick judgments and statutes, wherein their civil, criminal, and military laws consist: no, the whole design of the gospel is so inconsistent with the Jewish œconomy, that it is impossible for Christians to observe some, ridiculous to observe others, and impious again to observe others of their judicial laws. Of the last sort are all those which God gave the Jews; as *carnifices gentium*, or executioners of his wrath upon the seven idolatrous incorrigible nations, as likewise all those capital acts against idolatry, as high treason to his government, and inconsistent with the design he had to be king as well as God of the Jews, whom he set up as a light among the Gentiles, and secured them by those great severities from falling into dæmonolatry, which was the catholick religion of the world.

This was the general opinion of all Christians, till the Romanists began to argue by false analogy from things and persons in the Jewish, to things and persons under the Christian dispensation; and from them it was that the presbyterians first of all learn'd to defend murders, assassinations, rebellions, and massacres, as you see this villain hath done.

Pope Adrian the Sixth moved the princes of Germany to cut off Luther and the Lutherans, because (forsooth) God cast Corah and his company down into hell, and commanded, that all those should be put to death that would not obey the high priest. And as Davila relates, in the ninth book of his history, the pope compared the Duke of Guise, that patron of the cursed league, to Judas Maccabeus; and the Jesuits complimented him with the name of Gideon, and bade him go on and prosper in the name of God. According to which damnable notion of false zealotry, when they consecrate an assassin (as Hospinian hath proved they sometimes do) to murder an heretick prince, they solemnly consecrate him to the work of the Lord in such a like form as this,— "Thou elect son of God, take here the sword of Gideon, the sword of Jeptha, the sword of Sampson, the sword of David, the sword of the Maccabees, go, and be of good courage, and the Lord strengthen thy arm." Can any thing be more like Mr Mitchel's justification than this? Would not one think his soul had entered into that secret of the jesuits, seeing he hath not acted only like one of their assassins, but written his apology with their poyson'd ink? If Father Brown, the jesuit, that preach'd among them so many years, had penn'd it, could it have savour'd stronger of the Society of Jesus, or become such an author better than it doth? He boasted on his death-bed at Ingestonbrigges, that he had preach'd as down-right popery in our field conventicle as ever he had preach'd in Rome itself; and had he been the author of this paper, he might also have boasted, to the comfort of his departing soul, that he had written as true a papistical pamphlet as ever was written in the Romish church. I think there is great presumption to assert, that the father might help to indoctrinate Mitchel in this mystery of iniquity; but if he did not, yet both he and the author of Naphthali might

invent these doctrines without consulting jesuits, seeing it is the Cabala of their own sect.

For this way of arguing, to do mischief from the judicial law, was the logick of our most primitive presbyterians, which hath ever since caused so much ruin and blood.

For in the convention at Edinburgh, January, 1560, for ratification of a new form of church-policy, it was enacted, That all monuments and places of idolatry, by name chapels, cathedral-churches, and colleges, should be suppress'd; whereupon, through the instigation of John Knox, ensued (saith my[1] author) a pitiful vastation of churches and church buildings, so that the libraries nor church-registers, nor sepulchres of the dead, were spared. And some ill-advised preachers (saith he) did animate the people in their barbarous proceedings, crying out, That places where idols had been worshipp'd ought, by the law of God, to be destroy'd, and that the sparing of them was the reserving of things execrable, as if (he subjoyns) the commandment given to Israel for destroying the places where the Canaanites did worship their false gods had been a warrant for them to do the same. I confess, the [2]council of Carthage, in the time of Honorius, decreed, That the emperors should be petition'd to raze the temples, and destroy the reliques of heathen idols; but it was because in maritime and other places of Africk idolatry was yet professed in them, and not from any sense of duty incumbent upon them from the Mosaic law; for that, as well as the Latin and Greek churches, had converted the temples of idols into the churches of Christ; but as for the supernumerary useless company of them, which remain'd as snares and monuments of the dominion which the devil had had in the world, they thought it both for the honour and interest of Christianity that they should be taken away.

In the following year, 1561, altho' Queen Mary had agreed with the council, that she should have her own service in her own chapel, yet the next day, when the [3]tapers were carried through the court, a zealot of Mr Mitchel's principles fell upon him that bore them, and broke them all in pieces; and had not the tumult been timely suppress'd by some moderate spirits, abominable barbarities had ensued: for some maintain'd, that, if right were done, her majesty's priests should have been slain, according to God's law against idolaters. It would be endless to trace these principles down from the time of the original presbyterians to these unhappy days; you may see enough of them in the parliament sermons, and innumerable other pamphlets of the late times. How often did the late presbyterian preachers commend the House of Commons for their zeal, and ransack the Old Testament for examples and precepts to perswade the giddy vulgar, that the rebels fought the Lord's battles, and that their cause was his? How often did they compare the most active of them to Gideon, Sampson, and Phineas, and compliment the worthies of the late Long Parliament in England, as Gregory the 15th complimented the last King of France, when he raised an army for the extirpation of the protestants in the glorious name of the Lord of Hosts? Did not that darling of the faction, Mr Calamy, in the bloody speech which he made in 43, at the Guildhall of London, to the citizens, (to perswade them to contribute largely towards the bringing in of our Scottish army,) justifie himself from the objection of his own tender conscience, that he, being a minister of the gospel, should stir them up to make war, by taking an apology from Numb. x. and Deut. xx. where God ordain'd, that the sons of Aaron, the priests, should sound the alarm with the silver trumpets, and that the priest should make a speech to encourage the people going out to battle, to fight for the Lord of Hosts? So that Naphthali, Nehushtan, and Mitchel's papers are but the last improvement of the presbyterian logick and zeal, which makes our conventicle-preachers ride about with guards, like petty princes, and their followers, more like soldiers than Christians, come armed by thousands into the field.

[1] Spotsw. &c. in *anno* 1560. L. 3. [2] Can. 62. [3] Spotsw. &c. L. 4. *anno* 1561.

They are now arrived at the highest pitch of enthusiasm and bigotry, and are as ready, upon all occasions, to do as much for the spiritual crown of Christ, which they think inconsistent with the mitre, as the men of the fifth monarchy principles are ready to do for the temporal kingdom of Jesus. So that if God in his good providence had not sent down the Duke of Lauderdale among us, to prevent the storm that was ready to arise, in all human probability this kingdom had been involved in such a violent rebellion, as could not have been quelled without extrinsical force. His grace came hither without any prospect of trouble; and the incredible number of nobility and gentry that thronged to meet him several days journey on English ground, were enough to make him presume that all would be quiet and serene. But he had not been many days among us when he was surprized with the news of great insolencies and disorder, caused by the field conventicles in the west.

Now, to make you understand what wind blew up that sacred flame, and how those evil principles probably came to be put into fermentation, I must lead you back to the year 1674, when some, whose discontents far exceeded their causes, under the old pretence of redressing grievances, did design something else, and thereby almost rendered the parliament useless for the publick ends for which it was called.

The Duke of Lauderdale was then his majesty's high commissioner, and there was not one real grievance of which he himself did not propose the removal, nor any one pretended concerning which he was not willing to treat; and, if it were found to be really such, to have it redressed in an orderly, fair, and legal manner, according to the fundamental constitutions of the house. But this would not satisfie their discontents, (which enough demonstrates that something else was designed besides the removal of grievances,) whereupon his grace returning to court to give an account of affairs to his royal master, such great confusions appeared among us as naturally follow palliated discontents. Then did Welsh, and other declared traytors, take the confidence to preach openly in Fife and Tiveotdale, which before had been orderly places; and there they were entertained, and encouraged to debauch the people from their duty to the king and the church; and if these bold attempts and disorderly practices had not then been timely quelled by his grace's care and conduct, it is easie to divine to what imminent hazard our peace and government had been exposed.

Whether our fanaticks were then under-hand encouraged to commit these insolencies by designing male-contents, time, the revealer of secrets, may shew; but it is beyond all peradventure, that scandalous and unseasonable divisions, caused by nothing but envy and discontent, did then animate and embolden them to these turbulent practices; and therefore it seems not improbable, that the same discontented party, envying the duke his glorious reception and the just esteem he hath with his prince, and intending to frustrate his best councils and endeavours for preserving this, and by consequence the kingdom of England in peace, have now conjured up the phanatical spirit again, to act in more insolent irregularities than at any time heretofore. But let the cause be what it will, the conventicles were never so numerous and frequent as they now began, and sometime after continued to be in Fife, Clidsdale, Tiveotdale, Galloway, Sterlingshire and Carrict; the last of which shires had always been peaceable and orderly till now, when they all conspired to invade the publick peace. At these field conventicles, would meet sometimes five or six thousand, sometimes eight or nine thousand at a time, as many of which as were fit to bear arms and could provide them never failed to come appointed into the field. For this reason our laws and proclamations stile these field-meetings, rendezvouses of rebellion, which is as modest a name as they can deserve. For most of the principal preachers among them, as Welsh and Arnott, are either attainted or declared traytors, and were actors in the rebellion of 66, and the harangues, (for I will not call them sermons) which they make to the people, tend to nothing but to make them rebel, and possess them with hatred against the

king and the church. In October last, at Sanchil in Carrict, Mr Welsh, attended with seven or eight seditious preachers, made a preachment to the principal division of a multitude, upwards of 7000 people, upon St John xi. 34, 35. In this preachment, among much other treasonable stuff, he spoke these words, "The king, the nobles, and the prelates, are sure the murderers of Christ;" and then sitting down in his chair, he said, "Oh people, I will be silent. Speak, O people, and tell me what good the king hath done since his home-coming; yea, hath he not done all the mischief a tyrant could do?" At another conventicle not long after, he spoke thus, or to this purpose, "That he was confident that God would yet assert the cause of Pentland-hills, in spite of the curates, (for so they call the orthodox ministers) and their masters the prelates; and in spite of the prelates and their master the king, and in spite of the king, and his master the devil."

But to proceed, at these field-meetings, they administred the solemn league and covenant to the people, and made them swear never to hear the orthodox ministers more; and, in a most popish manner, gave them the sacrament thereupon. They also kept classical meetings, where they ordained ignorant and factious striplings, and, by an unparalleled act of schism, took the confidence to re-ordain one Mr John Cunningham, who was formerly ordained presbyter by the late Lord Bishop of Galloway; and likewise presumed to receive the hypocritical confessions and repentance of such as they had perswaded, or suborned, to confess the great sin of joining in worship with our church. They admitted ruling elders in several precincts, and with incomparable impudence proceeded to institute and induct preachers of their tribe both into vacant and full churches, according to Mr Mitchel's judgment; who asserts, in his apology, that every parish ought to chuse its preacher, and that patronage is but a popish right. They also, confiding in their numbers, proceeded, in manifest contempt of authority, to erect preaching houses, particularly in Carrict and Galloway, where persons of no mean quality and interest harboured and caress'd those great apostles of the cause, Welsh and Arnott, who ride about these disaffected shires in great state and security, with guards consisting of forty, fifty, or greater numbers of horse. From these insolencies they proceeded to invade the houses, and menace the persons of some orthodox ministers, whom Mr Welsh declared either in a conventicle, or presbytery, somewhere in Carrict, that it was as lawful to kill as for the Israelites to kill the Canaanites, if they complained to the men, (for so he called the magistrates) in power. These outrages so frighted the orthodox clergy, that many ministers forsook their charges, and some of our bishops, who lived in those distracted corners, were forced, for their security, to repair to this town. Thus all things seemed to run into confusion, and if excellent methods had not been used to prevent the sequel of such dangerous beginnings, the faction by this time had grown into a formed party, and disputed the cause with an army in the field.

The first thing the privy council did was to issue out proclamations for the execution of the laws against these conventicles, and to use all means possible for seizing the persons of Welsh and Arnott, and other seditious preachers; but the former were rendered ineffectual, the heritable sheriffs and bayliffs, and other officers of the seditious districts, refusing to act, and the latter could not be brought to effect, because the preachers are always so strongly guarded in publick, and in private shelter themselves with such superstitious adorers of their holy persons as none of the proposed rewards can tempt to betray. Disorders thus continuing, the council acquainted his majesty with the dangers they threatned; and humbly moved him to send speedy orders, that a considerable number of his Irish troops should march to the maritime borders next adjacent to Galloway, and the western shires, to be ready for transportation if occasion required. His majesty, who was long since acquainted with the spirit and principles of our remonstrator-presbyterians, in compliance with the wholesome advice

of his privy council, immediately ordered, that a well-appointed party, of about 3000 horse and foot, should be sent under the conduct of the loyal and valiant Viscount of Granard, our countryman, to quarter upon the maritime borders, and to march at the command of the privy council here. This particular care of his majesty, and the approach of the forces, did very much surprize the fanatical party, who were made to believe by the male contents, that the duke had no interest at court, nor was capable to procure any extrinsical assistance, although they should rebel. The Irish forces being arrived upon the coasts, the council were resolved to try what fair and gentle means would do; and thereupon directed letters to the heritors (whom you call landlords) of Aire and Renfrew, to know if they would undertake by their own power to reduce these disorders, having the king's authority for that effect. The heritors met in a full assembly, and after two days consultation, returned answer by three noble lords whom the council had sent to attend them, that they could not undertake by their own power to keep the country free from conventicles, or any disorders that might ensue thereupon.

You must know that our landlords have far more authority over their tenants than yours, insomuch, that in the most disaffected places there are no conventicles where the heritors and superiors use their private authority to keep the people constant to the church. All the world here knows, that there is not a more fanatical shire in this kingdom than Murray, and yet, by the single authority and interest of that most loyal and deserving person the Earl of Murray, it is kept in as perfect order and obedience as if there were no conventicles in the world. But as for the aforesaid shires, the council expected no such answer from them, because they of all others have had most indulgence, as having non-conforming ministers legally settled in very many churches among them, which one would think, if that party had any reason, modesty or conscience might have kept them from troubling the publick peace. Therefore the council having received such an unreasonable answer from the heritors of these more indulged shires, concluded what returns they might expect from others, and therefore began now to think it was high time to reduce them to their duty by force. Whereupon, knowing that the body of this kingdom was loyal, they resolved rather to reduce the fanaticks by our own intrinsical power, than to call in his majestie's Irish forces, unless there should be absolute need. Wherefore, to the king's standing forces they added the militia of the most loyal county of Angus, and admitted the auxiliary forces which several loyal lords that have interest and authority in the Highlands did proffer to raise out of their vassals and dependents for his majestie's special service in this critical exigence of affairs. And by his majestie's special approbation and command, they were all united into one army, under the conduct of the most valiant and loyal Earl of Lin Lithgaw, who, towards the latter end of last January, marched into the western shires

And, that all things might be transacted in a fair, legal, and orderly manner, there is also sent along with the army a committee of the privy council, consisting of eleven right honourable persons, who are invested with sufficient power, civil and criminal, to punish all sorts of offenders, and are now steadily pursuing those great ends for which they were sent thither. There's a strict correspondence betwixt them and the privy council, to whom they send frequent accounts of their proceedings, and from whom they receive such measures and directions as may most conduce to reduce and secure those disorderly shires. To which purpose, in the first place, they proceed to disarm them, causing all suspected persons to deliver their arms (whereof great provision was made) to their respective sheriffs upon oath, who are to deliver them to the major general, and to be sent by him to his majestie's garrisons They have likewise order to plant garrisons in what places soever they shall think fit, and have proceeded to do execution on the new-built meeting houses, those temples of Baal Berith, by

commanding that they should be pulled down, and that their materials should be burnt. They are likewise to tender a bond to be taken by all heritors, wherein, as masters of families, they are to be bound for themselves, their wives, children, and servants; and, as landlords, for their tenants and cottagers, that they shall not go to conventicles, nor receive or supply conventicle-ministers, but live orderly in obedience to the law; so that if their wives, or any of their children or servants, transgress, they will be bound to undergo the legal penalties for them. But in case their tenants or cottagers transgress, they will be bound to present them to justice, or turn them off their tenements, or else to be liable to the penalties they shall incur.

The Form of this Bond, or Civil Anti-covenant, was drawn up by the Privy Council, and is as followeth.

" I, , under subscribing, do faithfully bind and oblige me, that I, my wife, bairns, and servants, respectively, shall be no ways present at any conventicles and disorderly meetings in time coming, but shall live orderly in obedience to the law, under the penalties contained in the acts of parliament made there anent. As also, I bind and oblige me, that my whole tenants and cotters, respectively, their wives, bairns, and servants, shall likewise refrain and abstain from the said conventicles, and other illegal meetings not authorized by the law, and that they shall live orderly in obedience to the law. And further, that I nor they shall recept, supply, or commune, with forfeited persons, intercommuned ministers, or vagrant preachers, but shall do our utmost endeavour to apprehend their persons. And in case my said tenants, cotters, and their fore-saids, shall contravene, I shall take or apprehend any person, or persons, guilty thereof, and present them to the judge ordinar, that they may be fined or imprisoned therefore, as is provided in the acts of parliament made there anent; otherwise I shall remove them and their families from off my ground. And if I shall fail herein, I shall be liable to such penalties as the said delinquents have incurred by the laws, consenting to the registration hereof in the books of his majesty's privy council, or books of any other judges competent, that letters and executorials may be direct hereupon in form as effeirs and constitutes my procurators."

This is the tenor of the bond; and, lest the force thereof should be eluded, the privy council have declared, that every heritor that shall receive into his lands or service, any tenants or servants of any other heritor, without a certificate from him or the minister of the parish where they lived, that they lived orderly as to this n atter, shall be subject to such fines as the privy council shall think fit to inflict, to punish them for their crime, and repair the damage that shall accrue to the heritor or master, whose tenants or servants they did receive. All the lords of the privy council and the judges, (whom we call the senators of the college of justice) together with the advocates, writers, and all others belonging to the society of the lawyers, have taken this bond, as also the lords of the exchequer and the justiciary lords, which is a very prevalent example; and little doubt is made, but the generality of the subjects of the nation will chearfully sign it, as being so beneficial to authority, and so proper an expedient to recover the common people into their wits. And it cannot possibly give the least umbrage of scruple to the conscience of the most weak and peevish dissenter, being nothing but a purely civil alternative obligation to do what the law requires, or submit to the penalties therein contained. Perhaps it may seem strange in England that a landlord should be bound in this manner for his tenants, but there is nothing more reasonable and customary here, because our heritors have such a despotic power over their tenants as you cannot well imagine, unless you had lived here.

And in case any person shall finally refuse to take this bond, (as some Fife and western gentlemen have made difficulty at it) the privy council (according to the legal and uncontroverted practice of that board in all ages) hath ordained that letters shall be directed to them, to charge them forthwith to give in security to his majesty's privy council, that they, their wives, children, tenants, and servants, shall keep his majesty's peace, and particularly that they shall not go to conventicles, nor harbour rebels nor intercommuned persons; and that they shall keep the persons, families, and goods of their regular ministers harmless, under the double of every man's valued yearly rent, if he have any, or of such penalties as shall be thought convenient by his majesty's council or their committee, if they have none; which if they shall refuse to do within six days next after the charge, they are to be declared his majesty's rebels (as the manner is here) with sound of an horn.

To conclude, the committee is to proceed to the condign censuring of such as shall appear, upon proof, to have harboured Welsh or Arnott, or other intercommuned persons, and such also as have invited or convocated the silly people unto the field assemblies, under pretence of hearing sermons, and such as contributed, by money, work, or materials, to build the new Samaritan synagogues; two of which the Earl of Cassels was commanded to demolish in Carrict, as was his duty to have done before.

All this hath been done under the wise conduct of the Duke of Lauderdale, to whose presence among us, next under God, this poor church and religion are redevable, that they have been preserved from confusion and blood. And I question not, but his vigorous endeavours to suppress this schism (the like whereof, in all respects, was never yet heard of in any age or nation) have by this time effectually confuted all the lying reports that were sent into England by our men of schism and faction, with a design to render him odious in our neighbour country, and discredit his administration here.

But I beg Mr Mitchel's and your pardon for leaving him so long. I could not forbear to intersert this account of his western brethren, whose confessor he lived and whose martyr he died. I'll now return to visit him again, and leave him no more till I see him in his grave.

In the interval betwixt his condemnation and execution, he seldom spoke of his approaching death but as of a martyrdom or murther, and gloried that he was accounted worthy to suffer for Christ. This is the stile of his short speech, and the frequent visits, papers, and messages that he received from the brotherhood, to dye with courage in the cause, and to seal the truth, that is, the covenant, with his blood; together with the frequent debauches which he made with ale, wine, and brandy, contributed very much to heighten his obstination, and make him insensible of his crime.

You cannot imagine how much the fanaticks of all parts were concerned about him. From the west, a private message was sent to the archbishop, to assure his grace, that if Mr James Mitchel were hanged, another should not fail to execute his design. His majesty's advocate who pursued him, received a threatning anonymous letter, and the common talk of this town was, that Mr James Mitchel's blood should be revenged upon the whole order; and truly I doubt not, but if all the fathers of our church, and all the clergy under them, had but one neck, that there are at least 300 covenanted Mitchels behind that would strive to cut it off.

In the year 1668, when he made the attempt, the fanatical party made a sport of it; and, as if the ruin of the church were to follow upon it, many fair pretenders, that, out of compliance to authority, had hitherto given our bishops that particular veneration that was due to their character, began now to slight them, and would scarce give them that common respect which was due to other men. The like charge was observed upon the late insolencies of the whigs in the west; the respect of our bishops and episcopal clergy began visibly to decay, and some that were then in a condition to

do the faction a kindness, had the confidence to say, that they knew no reason there was to oppose the inclinations of the people to support about a dozen men.

And while this martyr of iniquity lay in gaol, the mouths of our fanaticks were full of railing against the bishops; and the rascality, who are often taught to speak the sense of greater persons, were heard to say, that it were better the primate should be hanged than he. In the octave betwixt his sentence and execution, he received, as I was credibly informed, 400 dollars in private gifts, which was interpreted by the party for the particular care that God had of him, who never sees "the righteous forsaken, nor his seed begging their bread."

The day before his execution he sent to the provost, or mayor, of Edinburgh, to desire a stage larger than ordinary, because he had a great number of friends that intended to appear at his execution in mourning, but his lordship was more honest and prudent than to grant the vain-glorious villain his desire. When he was upon the ladder, he called the psalm to be sung, which, if you do not remember, I desire you before you proceed to consult. When the psalm was ended, he took out of his psalm-book two copies of his intended speech, which he threw among the people, for there had he put them to elude the search. After his body was cut down, it was conveighed to Magdalen-chapel, from whence it was carried to burial in great pomp, being attended with at least 40 mourners, whereof the justice general's gentleman was one. 'Tis reported also, that the hearse-cloth was of velvet, but certain it is it was more than ordinary brave.

The evening before his execution information was brought to the provost, that the women of Edinburgh (I mean the fanatical part of them) had entered into a conspiracy to rescue him between the prison and the gallows, which obliged his lordship to provide extraordinary guards, capable to prevent any such design. This information was well grounded, if it were not true; for there was never seen such an appearance of that sex at any execution as was at his, where a body of at least seven hundred sisters stood together almost in rank and file.

The next morning after his execution there were several copies of his speech distributed, and several libellous verses put up in several places of the city, one copy whereof, made by some fanatic poetaster, and fixed upon the great cross, I here send you, with an answer in another column, which was made about two or three days after, by a better poet and a better principled man.

Deploratio Mortis Jacobi Mitchel.

Heu quo jura ruunt? et siccine candida virtus,
Et recti dicessit amor? tibi Scotia multas
Perfida gens parat insidias, rituque profano
Polluit impietas sacraria; membra piorum
Ah truncata jacent; qui sacri fœdera pacti
Non ausi violare; fidei rectique tenaces
Perstiterant; quo tanta ruunt perjuria? Quassam
Funditus an tentant Solymam convellere, magni
Gens secura Dei, speciosaque Templa Sionis
Diruere, obductis involvens cuncta tenebris?
Quo ruit impietas? vanas sic ibit in auras
Pacta fides? Perjura manus coit omnis in unum
In scelus horrendum; sævos feritate leones
Mittit in occasum, suscepta ut fœdera regni
Deleat, et Christi prædetur ovile; cupido

Namque tenet lucri nunquam satiata, nefandum
Proh scelus! an Pharias miseri remeamus ad oras?
Anne iterum nostræ sic relligionis habenas
Papa reget? nunquam ne aderit Deus ultor, inulti
Dum pereunt justi, dextrâque ultrice furorem
Comprimet? hunc rabiosa lupi non terruit ira.
Fraudibus occultis, odiisque immanibus annos
Quatuor afflictum, non cæco carcere clausum
Vincula terrebant, vinclis cruciatus in arctis
Perstitit exiliique tulit mala cuncta, reductus
Jus rigidum perpessus obit; quis cætera nescit.

Epitaphium ejusdem, ubi ipse introducitur loquens.

Quo vesana ruit gens, et vis effera præceps?
Quo ruit impietas, et sine lege furor?
Rebus an intrepidis constantia victa fatiscit?
An metuit vanas mens labefacta minas?
In te fixa Deus mea spes, te intentus anhelo,
Intrepidus carpam te duce mortis iter
Sævus at iste lupus, quia mens intelligit, inde
Se sciat in magnum tela movere Deum. Finis.

Quo autem modo hactenus mortuo (cui soli epitaphium ex vi vocis debetur) carpendum sit mortis iter, conjæderatis fratribus problema esto.

Congratulatio de morte Jacobi Mitchel Parricidæ.

In te jura cadunt, quia à te candida Virtus
Et recti dicessit amor; tibi Scotia pænas
Perfida Grex! meritas parat: ah quæ more profano
Fædasti Christi sacraria, membra piorum
Tu trunctata dabas, tu sacri fœdera pacti
Ausu novo violare; fidei rectique tenaces
Exilio muletans; tua sic perjuria quassam
Tentabant Solyman convellere funditus, alti
Grex secura Dei! Speciosaque Templa Sionis
Diruis, obductis involvens cuncta tenebris.
Huc ruit impietas, tenues sic ivit in auras
Pacta fides; perjura manus coit omnis in unum
In scelus horrendum; sævos feritate leones
Mittit ab occasu, suscepta ut fœdera regni
Deleat et Christi prædetur ovile; Cupido
Namque tenet lucri nunquam satiata, nefandum
Proh scelus! in Pharias remeavimus oras,
Atque iterum nostræ sic relligionis habenas
Papa regebat; adest nunc, nunc Deus ultor, inulti
Ne pereant justi, dextraque ultrice furorem
Comprimet. Hunc Divina lupum non terruit ira,
Fraudibus occultis, odiisque immanibus actum;

Grassantem rabie, solitæque cupidine cædis.
Horruit ejectum patria peregrinus, at æquum
O cælum! exilii postquam mala tanta tulisset,
Tormenta in patria atque homicidæ vincla parantur,
Tandem perstringunt sceleratum vincula collum.
Exitus hic dignus tam prodigialibus ausis.
Jus æquum perpessus obit; sed cætera nescit,
Æternos quisquis nondum damnatur ad ignes. Finis.

Epitaphium ejusdem, ubi ipse ab inferno introducitur loquens.

Quò vesana ruis grex, et vis effera præceps?
Quò ruis impietas, et sine lege furor?
Heu mea sero nimis constantia victa fatiscit,
Sera, sed atroci fœnore pœna venit.
Tam Cælo extorri terror Deus ipse; coquenda
Dum manus in Stygio sanguinolenta lacu.
Christi si quis adhuc lupus expugnator ovilis,
Se sciat in magnum tela movere Deum. Finis.
Iisdem pene verbis convellitur quibus adstruitur impietas. Ambros.

There was also a severe satyr, in Scottish, made in revenge to the many libels which the fanaticks scattered about town upon this occasion. I got a copy of it, which I here present unto you, entitled, as it was, To the Memory of Mr James Mitchel.

O-y-es, O-y-es, covenanters,
Filthy, cruel, lying ranters;
Come here, and see your murdering martyr
Sent to hell i' th' hangman's garter.
Your sealing witnesses, we hear,
Are Mr James Mitchel and Major Weir;
One with his hand, but had no pith,
Th' other your wives know well wherewith;
Which makes them sigh, and sighing say,
Welsh can but preach, but Weir could pray.
It's this that all religion shames,
To give hell's vices heavenly names.
Then, devils, then cast off your masks,
Murder and whoredom are your tasks;
Which you to all the world proclaim,
Boasting and glorying in your shame,
And say your covenant doth allow
This, maugre your baptismal vow;
And that the holy oath doth bind you
To leave such holy seed behind you.
For at and after your long prayers,
You lye together pairs by pairs;
And every private meeting place
Is made a bawdy-house of grace;
You shew it is your loving natures,
To be sweet fellow-feeling creatures.

But to profane your holy order
With incest, buggery, and murder,
Is plainly to proclaim you devils,
And horrid crimes to be no evils.
Mas James Mitchel lay four year
In Grissald's house with Major Weir;
And from his Ghostly Father learns
To lye with women and get no bairns,
The mystery of the tribe, a trick
Makes all the women mad fanatick;
And now they both in hell are met,
Where for your company they wait.
Then fill your measure, and post on
To your deserved damnation.
Go whore and bugger, kill and pray,
Till every dog shall have his day;
Or go together to hell in troops,
Else strive for new Grass-market loops.
He that whores best, and murders most,
Of him the sect shall always boast;
And put him, as they've put Mas James,
Among their saints and martyrs names.

You see the Latin verses take notice of the west as a place above all others of this kingdom, wherein fanaticism most abounds. This must needs awaken your curiosity to enquire from what magnetism it is, that our conventicle preachers have acquired such a strong verticity to that point. Truly the reason is the same for which yours haunt London, and the most opulent towns and counties of England, even the riches of the place; for where the silver is there are the Suisses, where the carcase is there the vultures gather together. There's a necessity laid upon them to preach the gospel there; yea, wo unto them if they preach it not in Fife and the west, where so many rich traders and heritors live. But as for the Highlands and other poorer counties, they have no Christian compassion for them, but let them live and dye in ignorance and idolatry, because their souls are not so precious for want of silver and gold. I remember when I was at London in 76, I heard a famous conventicle minister say, that if it were not for the non conforming ministers, thousands of souls in that populous city would starve for want of the word. I very much wondered to hear him say so, considering how many hundred sermons were preached every week by the orthodox ministers, and the best, I thought, that ever I had heard. But being the next day in some company which was discoursing about the conventicles, one or two of them began to tell of the great store of money the conventicle-preachers had in the banks, and how some of them kept their coaches, and he believed it would not be long ere their wives kept their chairs. Then I began to understand the reason of the great care those gentlemen had to feed the souls of the good citizens, and was very glad that to keep a coach was no longer a sign of prelatical pride. When I returned home, I told our whigs, that the non-conformist ministers of London began to keep coaches; but the greatest part of them would not believe me, and those that did, said with sighs, they were sorry that there were Diotrepheses among them, that loved the pre-eminence, and that God would have a controversie with them for their prelatical pride. The like I have seen in a preface to a presbyterian treatise of divinity, printed about that time, wherein the author complains of the prelatical spirit, that began to shew itself among the non-conforming ministers; whereof some, living in great plenty and state,

contemned others who were poor, and whose lot was fallen in places where persecution did abound.

In the Scottish verses, which you will call the English verses, you see the poet upbraids their baptismal vow with the covenant; not, as I conceive, upon the common account, as another poet may do, but because 'tis the frequent practice of our whig-preachers to baptize the children of their disciples into the solemn league and covenant, as well as into the covenant of grace. He also takes notice of the intimate familiarity betwixt Mr Mitchel and Major Weir; and, unless you will be at the pains to read the life of the latter, as well as the former, you'll never be able to understand the satyr, nor know whether the satyrist's indignation be just or unjust. I'll promise you the narrative shall affect you both with wonder and indignation, though, for the honour of our nature and religion, I wish no such stories were extant in the world. Nay, confident I am, that when you have consider'd it in all the circumstances that attend it, you will say that he, who is the subject of it, was one of the most prodigious sinners that ever was extant of human race: For there's nothing in history comparable to him, nor I hope will ever be; and had not our blessed Saviour told us, that men may be so wicked as to sin beyond forgiveness, I could scarce have believed that any man, much less a Christian, could have committed uncleanness in all species, with women, devils, and beasts.

But such a monster was this Pharisee of whom I am going to give you an account, which is partly taken out of the public register of our criminal court, and, where that cannot relieve me, from common fame, the notoriety of the things related, or the authority of persons of known integrity and great reputation in the world.

He was born and bred in the western parts of this kingdom, which, as appears from the preceding narrative, hath ever been the most fanatical part of our country, and most disaffected to the king and the church. There he was early prepossessed with the principles of schism and rebellion, which he shew'd upon all occasions, particularly in the beginning of the late rebellion, wherein he was a forward stickler; and, by his extraordinary zeal for the cause, raised himself to a greater command in some troop or company, than men of his mean original use to arrive unto here. About the year 1649, he had the great trust of the guards of this city committed unto him under the quality of major; and from that time, to the day of his infamous death, was always called by the name of Major Weir. He behaved himself in this office with great cruelty and insolence towards the loyal party, being very active in discovering and apprehending the cavaliers, and bringing them to be arraign'd and try'd for their lives. He used to insult and triumph over them in their miseries, and persecute them with all manner of sarcasms and reproaches when they were led out like victims to publick execution, as many yet alive can testifie to the world. In particular, this barbarous villain treated the heroick Marquess of Montrose with all imaginable insolence and inhumanity when he lay in prison, making his very calamities an argument that God, as well as man, had forsaken him; and calling him Dog, Atheist, Traytor, Apostate, Excommunicate Wretch, and many more such intolerable names. This cruel manner, after which he used to outrage the poor royalists, pass'd among the people for extraordinary zeal, and made them consider him as a singular worthy, whom God had raised up to support the cause. He studied the art of dissimulation and hypocrisie, always affecting a formal gravity and demureness in his looks and deportment; and employing a vast and tenacious memory, which God had given him, in getting, without book, such words and phrases of the Holy Scriptures as might serve best in all companies to make him pass for an holy and gifted man. He had acquired a particular gracefulness in whining and sighing above any of the sacred clan, and had learn'd to deliver himself upon all serious occasions in a far more ravishing accent than any of their ministers could attain unto. By these, and other hypocritical arts, he had got such a name for sanctity and devotion,

that happy was the man with whom he would converse, and blessed was the family in which he would vouchsafe to pray.

For he pretended to pray only in the families of such as were saints of the highest form, insomuch that the brethren and sisters of these precints would strive who should have him to exercise in their houses; and of those that lived at a greater distance, some would come forty or fifty miles to have the happiness to hear him pray. He had indeed, but by what assistance will be seen hereafter, a wonderful fluency in extemporary prayer, and what thro' enthusiastical phrases, extasies, and raptures, into which he would appear transported, he made the amazed people presume he was actuated by the spirit of God. Besides praying, he used to exhort and bless the families in which he pray'd; but he never undertook to preach in them, for fear of invading the ministerial province, which certainly would have offended the kirk.

After this manner, and in this mighty reputation, he lived till the year 1670, which was the 70th year of his age; when, like the tyrant Tiberius, after so many murthers and sorts of unnatural lusts, he was no longer able to endure the remorse of his awakened conscience, but, to ease the inquietudes of his guilty mind, was forced to accuse himself, which he first of all did among those of his own party, and desired them to bring him to public justice to expiate for his abominable crimes.[1] But they, considering what a confounding scandal and dishonour the hypocrisie of such an eminent professor would reflect upon the whole sect, did, with all possible care and industry, strive to conceal the major's condition, which they did for several months, till one of their own ministers, whom they esteem'd more forward than wise, reveal'd the secret to the Lord Abbotshall, then Provost of Edinburgh; who, judging human nature uncapable of such horrid crimes as the minister told him the major had confessed, concluded he was fallen into a phrenzy, or high degree of melancholy, and therefore courteously sent some physicians of his own perswasion and acquaintance to visit him, and physick him for his distemper'd brain. But the physicians returning to the provost, assured him that the major was in good health, and that he was free of hypocondriack distempers, and had as sound intellectuals as ever he had; and that they believed his distemper was only an exulcerated conscience, which could not be eased till he was brought to condign punishment, as with cryings and roarings he desired to be. Afterwards the provost, for his further satisfaction, sent some conventicle ministers to enquire into his condition, and make a report thereof; who, finding it impossible to disguise the matter, which now was town-talk, told his lordship that the major was not affected with melancholy, but that the terrors of God, which were upon his soul, urged him to confess and accuse himself. The provost therefore began to conclude that he had good grounds to take publick notice of this affair; and, therefore, without further enquiry, sent the guards of the city to seize upon the major and his sister, who was involved in his confessions, and carry them both to the publick gaol. There they were visited by persons of all sorts and qualities, clergymen, laymen, physicians, lawyers, conforming and non-conforming ministers, who all flock'd thither to see this monster, and discourse with him about his horrible crimes.

They had not been long in prison before they were brought to tryal, which was on the ninth of April, 1670: they were tried before that learned civilian Mr William Murray and Mr John Prestoune, Advocates, who were made judges by commission for that time. They were pursued by his majesty's last advocate, Sir John Nisbett; and the jury by which they were tried was Gideon Shaw, stationer, James Penderer, vintner,

[1] It may be well doubted whether the mind of this unfortunate wretch was burdened with more heinous sins than the imaginary one of witchcraft. He is said to have had a superstitious dread of dying by a *burn*, which he interpreted, according to Scotch idiom, as meaning a *brook*; but it would appear the devil had spoke good English on the occasion. Professor Sinclair has recorded some particulars concerning him in the little book, still the darling of the Scottish vulgar, called Satan's Invisible World Discovered.

James Thomson, felt-maker, Robert Brown, stationer, James Brown, felt-maker, Robert Johnston, skinner, John Clighorn, merchant, with many more sufficient citizens of Edinburgh, most of which, together with the greater part of the witnesses hereafter mentioned, are yet alive.

The court being set, the major's libel was read, the sum of which was contained in these four particulars:—

Primo, That he enticed and attempted to defile his German sister, Jane Weir, when she was but ten years old, or thereabout, and that he lay with her when she was sixteen years old, while they both dwelt with their father, and afterwards had frequent carnal dealing with her in the house of Wicket-Shaw in her younger years; and, lastly, that after she was forty years old, he lived in a state of incest with her in his house at Edinburgh, where they dwelt together many years.

Secundo, That he committed incest with Margaret Bourdon, daughter to Mein, his deceased wife.

Tertio, That he committed frequent adulteries during the life of his said wife, both with married and unmarried women; and particularly with Bessy Weems, his servant-maid, whom he kept in his house for the space of twenty years, during which time he lay with her as familiarly as if she had been his wife.

Quarto, That to his fornications, adulteries, and incests, he proceeded to add the unnatural sin of beastiality, in lying with mares and cows; particularly in polluting himself with a mare, upon which he rode into the west country, near New-Mills. All which crimes, particularized in manner aforesaid, he acknowledged judicially at the bar.

The sum of Jane, his sister's indictment, is reducible to these two heads: First, To the charge of incest, which she committed with her brother; and, secondly, to the charge of sorcery and witchcraft, but most especially of consulting witches, necromancers, and devils; and yet more particularly for keeping and conversing with a familiar spirit while she lived at Dalkeith, which used to spin extraordinary quantities of yarn for her, in a shorter time than three or four women could have done the same. All which she judicially confessed in the face of the court.

Then they proceeded to swear the witnesses, which the lord advocate called for further probation against them both. Of these, John Oliphant, William Johnston, and Archibald Hamilton, bailies of Edinburgh, deponed, that on the Monday preceding the major's arraignment, he did freely confess and declare unto them, that he had committed frequent incests with his sister Jane, divers fornications and adulteries with other persons, and beastiality with a mare and a cow. Master John Sinclair, a conventicle minister, deponed, that the day before his tryal he freely confessed unto him that he was guilty of adultery, incest, and beastiality, and that his sister had been often taken out of bed from him: whereupon asking him if he had ever seen the devil, he answered, That he had felt him in the dark. But as to his conversation with the devil, the deponent might have declared more; for he had confessed to him and many others, particularly to the Lord Bishop of Galloway, then minister of Edinburgh, that he had lain with the devil in the shape of a beautiful woman.

Margaret Weir, wife to Alexander Weir, bookseller in Edinburgh, testify'd, That when she was of the age of 27 years, or thereabouts, she found the major, her brother, and her sister Jane, lying together in the barn at Wicket-Shaw, and that they were both naked in the bed together, and that she was above him, and that the bed did shake, and that she heard some scandalous language between them, in particular that her sister said, She was confident she should prove with child. Furthermore she deponed, that Catharine Cooper, a servant of the major's, told her, that he had lain with Margaret Bourdon, his wife's daughter, so that she would stay no longer in the house.

Anne, wife to James Simpson, bookbinder in Edinburgh, declared, That on Monday preceding, and that day in the morning, that he confessed to her he had committed

incest with his sister Jane, and Margaret Bourdon, his wife's daughter, as likewise beastiality with a mare in the west country; and that he had carnally conversed with his maid-servant, Bessy Weems, for two and twenty years.

Mr Archibald Nisbett, writer to the signet, declared, That in the year 51 or 52, it was reported in the country that the major had committed beastiality with a mare near New-Mills, and that he heard it reported the same day in which it was said he did the fact. Mr John Alexander of Leith deponed the same, and said he was then but half a mile from the place. After these depositions, the major being examined about his act of beastiality, declared, That a gentleman having given him a mare, he rode upon her into the west country to see some friends, and dealt carnally with her near New-Mills; and that a woman saw him in the act, and complained of him to Mr John Nave, the minister of New-Mills, at whose instance he was brought back to the place by some soldiers, but was there dismissed for want of further probation. And further, being asked about the time, he answer'd, That, to the best of his remembrance, it was when the lords, gentlemen, and heritors, were taken by the English at Elliot.

As for probation against Jane Weir, the lord advocate insisted on her own declaration, and all the depositions in which, as a party, she was involved. And being asked if she knew any thing concerning the correspondence that was said to be betwixt the devil and her brother, she declared that she had a long time been jealous of it, but was not certain; and that six or seven years before she had found a mark upon his shoulder, like that which is called the devil's mark, at which she was sore afraid.

The process being thus ended, the jury did unanimously find the major guilty of incest with his sister, and beastiality with a mare and a cow, and found him guilty of adultery and fornication, by a plurality of votes. They also unanimously brought in Jane guilty of incest with her brother; whereupon the deputed judges sentenced him to be strangled at a stake betwixt Edinburgh and Leith on Monday following, the 11th of April, and his body to be burnt to ashes; and condemned her to be hang'd on the Tuesday following in the Grass-Market of Edinburgh.

Thus far have I given you a juridical account of the detestable crimes of this hypocritical monstrous man; I now proceed to acquaint you with other particulars no less surprizing than the former, which, upon strict enquiry, I have reason to believe to be as true as those that are judicially proved.

When they were seized, she desired the guards to keep him from laying hold on a certain staff, which, she said, if he chanced to get into his hand, he would certainly drive them all out of doors, notwithstanding all the resistance they could make. This magical-staff was all of one piece, with a crooked head of thorn-wood. She said he received it of the devil, and did many wonderful things with it, particularly that he used to lean upon it in his hypocritical prayers; and, after they were committed, she still desired it might be kept from him, because if he were once master of it again he would certainly grow obdurate, and retract the confessions which he had so publickly made. Apollonius Thyaneus had such a magical staff as this, which I believe was a sacramental symbol which the devil gave to the major, and the court had some such apprehensions of it, for it was order'd by the judges to be burnt with his body.

She also confessed in prison, that she and her brother had made a compact with the devil; and that on the 7th of September, 1648, they were both transported from Edinburgh to Musselborough and back again in a coach and six horses, which seemed all on fire, and that the devil then told the major of the defeat of our army at Preston in England, which he confidently reported, in most of its circumstances, several days before the news had arrived here. This prediction did much increase the high opinion the people began to have of him, and served him to make them believe that, like Moses, he had been with God in the mount, and had a spirit of prophecie as well as of prayer. But as for herself, she said, she never received any other benefit by her commerce with

the devil, than a constant supply of an extraordinary quantity of yarn, which she was sure (she said) to find ready for her upon the spindle, whatever business she had been about.[1]

Besides the beastialities which the major judicially acknowledged he had committed with the mare and cow, he confessed he had done the same abominations with three species more; and the woman that delated him for the fact near New-Mills was, by order of the magistrates of Lanerk, whipp'd through the town by the hand of the common hang-man, as a slanderer of such an eminent holy man.

The fornications and adulteries which this ἀλογευόμενος, (as buggerers are[2] call'd by the council of Ancyra,) committed with the most sanctimonious and zealous women of the sect, are too numerous to be related here. He had got himself the privilege, under a pretence of praying and exhortation, to go to their houses, and into their bed-chambers, when he pleased; and it was his practice to visit married women at such times especially as their husbands were from home: one especially, who lived in the street called the West-bow, in Edinburgh, he had several times solicited, in her husband's absence, to gratifie his unclean desires, till, at last, wearied out with his importunity, she told him how much she abhorr'd his design, and charged him never to come more to her house. Upon this he forbore to visit her for some time, till one night, when she was undress'd and ready to step into bed, the major suddenly appears standing by her, at which she was so extremely frighted, that she fell into a swoon: she had no sooner recover'd, but the major endeavour'd to comfort and assure her, and confirm her against that strange surprize; and, renewing his addresses, he tempted her with many arguments and filthy speeches and gesticulations, telling her he had taken that marvellous way of appearing in private with her on purpose to secure her reputation; that he would go out of her house in a manner as invisible as he came in. But she, by this time, having recovered her usual courage and strength, push'd him off with violence, and cry'd out for help to her maid, upon which he immediately disappear'd. The windows and doors were all close shut, and I make little doubt but his coachman to the fiery coach conveigh'd him in and out through the chimney, or perhaps by the door, which the cursed familiar might open and shut again, as well as the angel of the Lord did unlock and lock the prison-door wherein the apostles were put.

As for the miserable woman, she was never well after this magical manner of address which the lusty satyr made unto her, but immediately fell into a deep melancholy, which ended in a languishing sickness, whereof not many weeks after she died: and when she was upon her death-bed, she declared this strange story to many persons yet alive, of great integrity, wisdom, and fame.

I have already told you what an active rebel this multiform sinner was, but I forgot to tell you that he was an eminent promoter of the Western Remonstrance in the year 1650. To these principles he stuck as close as to the devil himself; insomuch, that when the government of our church was restored, he avowedly renounced the communion of it, and endeavour'd to widen the schism to the utmost of his power. He could not so much as indure to look upon an orthodox minister, but when he met any

[1] "Ninth April, 1670. Jean Weir, indicted of sorceries committed by her when she lived and kept a school at Dalkeith; that she took employment from a woman to speak in her behalf to the Queen of Fairii, meaning the devil, and that another woman gave her a piece of a tree or root the next day, and did tell her that as long as she kept the same she should be able to do what she pleased; and that same woman, from whom she got the tree, caused her spread a cloth before her door and set her foot upon it, and to repeat thrice, in the posture foresaid, these words, 'All her losses and crosses go alongst to the door;' which was truly a consulting with the devil, and an act of sorcery, &c. That after the spirit, in the shape of a woman, who gave her the piece of tree, had removed, she addressing herself to spinning, and having spun but a short time, found more yarn upon the pirn than could possibly have come there by good means."—*Books of Adjournal.*

[2] Can. 16.

of them in the streets, he would pull his hat over his eyes in a Pharisaical kind of indignation and contempt.

While he was in prison, he acknowledged his hypocrisie, by which he had deluded men and mock'd God, declaring that in all his life he had never prayed to God in private, nor had any power to speak when he attempted to do it, although he had such an extraordinary and charming utterance in his solemn conventicle prayers. He also confessed, that he never bow'd his knee to God at his own or other men's prayers, which exactly agrees with his sister's relation, of his leaning at his prayers on his magical staff; and none of his own party can remember that at any devotion, even when he seem'd most rapturous, they ever saw him kneel. Nay, furthermore, he confessed, which I cannot mention without horror, that his fluency in prayer, by which he ravish'd the people, proceeded from the assistance of the devil, who, he said, helped him to the words and phrases in which he expressed himself. This hath given several men several ways of conjecture how it could be done. Some, who knew him better than I ever had the unhappiness to do, are of opinion that he was the praying oracle of the devil, out of whom he personally spoke. The reason which they alledge for their conjecture is, that sometimes the sound of his voice, like the sight of spirits, had something unnatural in it, as if it had not been form'd by the organs of speech.

Others think it reasonable to believe, that he saw all the words and expressions in his prayer successively written by the devil in the air; but upon enquiry I find that he, like most of the extemporarians, commonly prayed with his eyes shut, which, if it be true, this hypothesis will never be able to solve those diabolical phænomena in the air.

Some again think, that the words and expressions of his prayer were represented by the devil upon the stage of his fancy, after the same manner as when a man dreams he reads such a letter or book. But he never was affected with any consternations, tremblings, or abreptions of mind, which, both in true and false prophets, were the constant effects of such strong and violent impressions, as were required to exhibit such unwonted representations upon the imagination; nor after his long prayers were ended, were his natural strength or spirits exhausted, as, if his devotion had been visionary, they must have been.

Others, therefore, considering him as an apostate from God, and as a vassal and apostle of the devil, think it very agreeable to divinity to assert, that he was immediately, but yet without much violence, inspired by the devil, and helped by him both in the conception and utterance of his prayers. This they conceive the evil spirit might do, like an assistant form, by impregnating his fancy with enthusiastical conceptions, and thereby rendring his imagination very turgent, and ready to swell above its banks; which, being done by the immediate operation of the evil spirit, the wretched ἐνεργούμενος could not fail to burst forth in *flumine orationis*, or a full torrent of prayer; and likewise be affected with such moderate raptures, as yet left him in a condition to understand what he said. Furthermore, to prevent all possible objections, they say, that if God suffer'd the devil to counterfeit prophetical visions, or the true spirit of prophecy under the law, then they know no reason why it should be thought inconsistent with his goodness, or disagreeble to his infinite wisdom, to permit him, under the gospel, to counterfeit inspiration or the true spirit of prayer. But, for my own part, had not the monster himself ascribed his fluency in devotion to the assistance of the devil, I should have wholly ascribed it to the vigour of his own enthusiastical imagination, without any foreign force. For not only his fluency in prayer, but the moderate raptures and little extatick fits into which he was transported, are explicable by the natural power of unassisted imagination, as I could make it out by many examples; and where a natural cause alone is sufficient to account for any effect, I am always sparing to joyn with it a supernatural cause.

All the while he was in prison he lay under violent apprehensions of the heavy wrath

of God, which put him into that which is properly called despair,—a despair which made him hate God and desist from duty to him, and with which the damned souls in hell are reasonably supposed to be constantly affected. In this sense he was desperate; and, therefore, would admit neither church nor conventicle ministers to pray for him, or discourse with him about the infinite mercy of God, and the possibility of the forgiveness of his sins. Much less could he endure to be exhorted to repent, or brought to entertain any thoughts of repentance, telling all the world that he had sinned himself beyond all possibility of repentance and pardon, that he was already damn'd, that he was sure his condemnation to eternal burnings was already pronounced in Heaven, and that the united prayers of all the saints in heaven and earth would be vain and insignificant if they were offer'd to God in his behalf. So that when some charitable ministers of the city, by name the present Bishop of Galloway and present Dean of Edinburgh, were resolved to pray before him for his repentance and pardon against his consent, he was with much difficulty withheld from interrupting of them in their devotions; and the posture he put himself in, when they began to pray, was to lye upon his bed in a most stupid manner, with his mouth wide open; and when prayers were ended, being ask'd if he had heard them and attended to them, he told them, "They were very troublesome and cruel to him; and that he neither heard their devotion nor cared for it, nor could be the better for all the prayers that men or angels could offer up to Heaven upon his account."

It was his interest to believe there was no God; and therefore, to ease the torments of his mind, he attempted now and then to comfort and flatter up himself into this absurd belief. For he was sometimes observed to speak very doubtfully about his existence; in particular to say, that if it were not for the terrors which he found tormenting him within, he should scarce believe there was a God.

Being with great tenderness and compassion besought by one of the city ministers, that he would not so resolvedly destroy himself, by despairing of God's mercy, which, upon repentance, had been granted to murtherers, adulterers, sodomists, beastialists, nay, to those that had deny'd Christ, he reply'd, in anger, "Trouble me no more with your beseeching of me to repent, for I know my sentence of damnation is already seal'd in Heaven; and I feel myself so hardned within, that if I might obtain pardon of God and all the glories of heaven for a single wish that I had not committed the sins, with the sense whereof I am so tormented, yet I could not prevail with myself to make that single wish. And were your soul in my soul's stead, you would find your exhortations impertinent and troublesome, for I find nothing within me but blackness and darkness, brimstone, and burning to the bottom of hell." I have been told by very credible persons, that the body of this unclean beast gave manifest tokens of its impurity as soon as it began to be heated by the flames; and certain it is, that after it was burnt, a report was presently sent from hence to the brethren in the west, that the malefactor, who was burnt for such execrable crimes, was not Major Weir, but another person who exactly resembled him, and whom the wicked prelates and curates had bribed to personate the godly major, (who was said to be gone with a contribution to the exiled brethren in Holland,) and call himself by his name. This report was believed in the west for several months, till time discover'd that the major was no more.[1]

As for Jane, this incarnate devil's sister, she was very insensible of her great sins,

[1] With respect to these wretched persons, it is possible they might be guilty of the horrible and unnatural crimes mentioned in the text, because there are no limits to the extent of human depravity; but when it is cons dered that Weir and his sister were both in their dotage, and that the principal evidence seems to have been their own confession, we may be permitted to doubt whether the flagitious part of the accusation was not as imaginary as that of sorcery and witchcraft, also charged and also confessed. Be as it will, the populace were fully persuaded of their guilt; and the house in which they lived stood totally uninhabited for upwards of one hundred and thirty years, if indeed it has yet found any tenant hardy enough to reside in it.

and was so far from remorse of conscience for them, and despairing of the mercy of God, as she did, that she presumed too much upon it; placing a great deal of confidence in her constant adherence to the covenant, which she call'd, in her brother Mitchel's stile, The Cause and Interest of Christ. She confessed indeed, as he did, that her sins deserved a worse death than she was condemn'd to dye; but she never shew'd herself in the least concern'd for what might ensue after death. When she was upon the ladder she bespoke the people in the following words: "I see a great croud of people come hither to day to behold a poor old miserable creature's death, but I trow there be few among you who are weeping and mourning for the broken covenant." And, having so spoken, she threw herself in greater haste off the ladder than a person should have done, who was no better prepared for another world.[1]

I could tell you many more remarkable stories of our fanatick zealots that have been put to death for lying with beasts, and other unnatural crimes. One, not many years since, was put to death at Sterling for committing uncleanness with five individuals, among which there were four species of irrational animals, and immediately before his execution, the unclean wretch protested against the prelates, and boasted of his constant zeal for the covenant; and so, without declaring any detestations of his crimes, or desiring the people to pray for him, went off with all assurance into the other world. I should not have related any of these stories, with reflection on the schismatical party,

[1] "During the time of his imprisonment he was never willing to be spoken to; and when the ministers of the city offered to pray for him, he would cry out in fury, 'Torment me no more, for I am tormented already.' One minister (now asleep) asking him if he should pray for him, was answered, 'Not at all:' the other replied in a kind of holy anger, 'Sir, I will pray for you in spite of your teeth, and the devil your master too;' who did pray, making him at least to hear him; but the other staring wildly, was senseless as a brute. Another, who is likewise at rest, demanded, if he thought there was a God: said the man, 'I know not.' The other smartly replied, 'O man, the argument that moveth me to think there is a God is thyself, for what else moved thee to inform the world of thy wicked life?' but Weir answered, 'Let me alone.' When he peremptorily forbade one of his own parish ministers (yet alive) to pray, one demanded, if he would have any of the presbyterian persuasion to pray; he answered, 'Sir, you are all alike to me.' Then said the minister to him, 'I will pray with you.' 'Do it not,' said the other, 'upon your peril,' looking up to the beams of the house; but prayer was offered up so much the more heartily, because the company about expected some vision. It is observable, that in things common he was pertinent enough; but when any thing about Almighty God and the soul's condition came about, he would shrugg and rub his coat and breast, saying, 'Torment me no more before the time.' When he was at the stake to be burnt, the city minister called to a churchman there looking on, being of that persuasion, whereof Weir was formerly deemed to be, to speak to him; but no sooner had he opened his mouth, than he made a sign with his hand and feet to be silent. When the rope was about his neck to prepare him for the fire, he was bid say, Lord be merciful to me: but he answered, 'Let me alone, I have lived as a beast and I must die as a beast.' The fire being kindled, both he and his staff a little after fell into the flames."—*Satan's Invisible World Discovered, by* GEORGE SINCLAIR, *Edin.* 1746, *p.* 152.

"She was asked anent her parents: She was persuaded her mother was a witch, for the secretest thing that either I myself or any of the family could do, when once a mark appeared on her brow, she could tell it them though done at a distance. Being demanded what sort of a mark it was, she answered, 'I have some such like mark myself, when I please, upon my forehead;' whereupon she offered to uncover her head for visible satisfaction: the minister refusing to behold it, and forbidding any discovery, was earnestly requested by some spectators to allow the freedom; he yielding, she put back her head-dress, and, seeming to frown, there was seen an exact horse-shoe shaped for nails in her wrinkles; terrible enough, I assure you, to the stoutest beholder.

"In the morning before her execution, she told the minister she resolved to die with all the shame she could, to expiate under mercy her shameful life: this he understood to be an ingenuous confession of her sins, in opposition to her brother's despair and deperate silence, to which he did encourage her. At her parting with him she gave him hearty thanks for his pains, and shaking his hands, offering to kiss them: she repeated the same words which he bade her perform Ascending up the ladder, she spake somewhat confusedly of her sins, of her brother, and his inchanting staff; and with a ghostly countenance, beholding a multitude of spectators, all wondering and some weeping, she spake aloud, 'There are many here this day wondering and greeting for me; but, alas! few mourns for a broken'—— at which words many seemed angry; some called to her to mind higher concerns; and I have heard it said, that the preacher declared he had much ado to keep a composed countenance. The executioner falling about his duty, she prepares to die stark naked: then, and not before, were her words relating to shame understood; the hangman struggling with her to keep on her clothes, and she struggling with him to have them off, at last he was forced to throw her over open-faced, which afterwards he covered with a cloth."—*Ibid. p.* 160.

but that nine parts in ten of the horrid sins, such as witchcraft, beastiality, and incest, are found among them; which hath occasion'd a proverbial sarcasm in our language against them, *That the whigs ga to Heaven a gate of their own.* This is no hyperbole, but a plain historical truth, which our judges can testifie, and which may be confirm'd by the registers of our criminal courts.

And then as for adulteries and fornications, those common failings of these Pharisees, there are more of them committed, and more bastards born within their country, the western Holy Land, than in all our nation besides. This is evident from comparing the parish registers, and the registers of the presbyteries, or rural deaneries of those shires, with the rest of the parish and presbytery registers in every diocese of the church. Not very long since, in a parish within the presbytery of Pasely, there were no fewer than seventeen whigs who did publick penance for fornications and adulteries at one time. The parish is very disaffected, so that on that Lord's day, wherein this herd of goats did stand in the seat of publick repentance, there were but two regular persons, besides the minister and precentor, in the church. I know you are already wondering that fanatical sinners will do penance in the kirk, which is as serious and solemn a piece of worship as any belongs to the service of God.

Therefore, to unriddle the paradox unto you, be pleased to take notice, that if any fornicator, adulterer, &c. contumaciously refuse to submit to church-censure, his majesty's advocate is to pursue him before the supreme judicature, or lords of the session; who, upon evidence of his contumacy, issue out order for having him declared the king's rebel, that is, to be solemnly denounced an outlaw, with the sound of an horn. After the horning (for so we call the denunciation) letters of caption are direct against him, so that if he be taken he must be put into prison; and, although he be not, he forfeits his personal, and the annual revenues of his real estate, and becomes altogether ἀπρόσωπος, as Theophilus, the Greek civilian, calls slaves and minors, and all that are civilly dead. Hence, an outlaw is almost in the same condition with us as *deportatus in insulam* was among the Romans; he is uncapable of all civil employments; he hath no head in law; he can make no will or testament of his own, nor receive any benefit by any other man's. So that our whigs (like yours, who will be married by the Common Prayer) choose rather to mock God, and offend their tender consciences sometimes, than forfeit their liberty and estates.

I am very well satisfy'd in my own conscience that I have done nothing against the strictest rules of Christian charity, in discovering the impious principles and practices of this sect; I have done it upon the same grounds and motives that the ancient fathers publish'd the wicked lives and opinions of the more primitive hereticks, particularly of the Gnosticks, who were the archetype of our whigs: and the parallel in most particulars runs so exact between them, that I cannot abstain from comparing them together.

First, then, as the Gnosticks were so call'd from Ψευδώνομος γνωσις, or knowledge, falsely so call'd, and boasted that they were the most knowing, altho' they really were the most ignorant of the Christian religion of any sect in the world, so our whigs stile themselves the knowing Christians, and look upon us, who adhere to the church, but as ignorant, silly, formal people, that understand not gospel mysteries; but are spoil'd after the tradition of men, after the rudiments of the world, and not after Christ.

Secondly, as the Gnosticks pretended to understand the scriptures better than all other Christians, and yet did most absurdly and blasphemously interpret them, as Epiphanius hath shew'd in many particulars, so our whigs pretend to this gift as their own peculiar talent; and yet interpret the word of God as absurdly, to make it comply with their wicked opinions, as the Gnosticks did to make it countenance theirs. Mr Mitchel's papers are full proof of this charge, besides the books I mention'd before.

Thirdly, as the Gnosticks spoke ὑπέρογκα, or mighty high things of Simon Magus, equalling him with God, so our whigs speak big-swelling words of Baal-berith, or the

solemn league and covenant; to which they ridiculously apply, whatsoever is said of the covenant of grace, which God made with Abraham, and of that political covenant which he made with the Jews, and of the counterpart of it, which the Jews, or any of their kings, made and renew'd with God, baptizing their children into it, as into the covenant of the gospel, and making it the cause, and interest, and truth of Christ.

In the fourth place, as the Gnosticks pretended to be Christians, and yet in many things comply'd with the wicked Jews, and joined with them in raising persecution against the church, so our whigs pretend to be the purest protestants in the world; and yet in many things are real papists, and now joyn most cordially with them to overthrow both our and your church, which the papists acknowledge to be the strongest bulwark against themselves that are in the protestant world.

In the fifth place, as the Gnosticks contumeliously used the apostles and presbyters of the primitive church, hating them with the malice of Cain, and gain-saying them among the people, after the impudent manner of Corah, and opposing them as Jannes and Jambres did Moses and Aaron, so our whigs treat our reverend clergy with all imaginable contempt and barbarity; hating our bishops with a mortal hatrel; calling their government an usurpation over God's heritage, and rail at his majesty, and all other magistrates that support them; binding and re-binding themselves by a solemn oath to extirpate the apostolical function, though in doing of it they should shed an ocean of protestant blood.

To proceed, as the Gnosticks were raging waves of the sea, *i. e.* a fierce, tumultuous, and troublesome people, so are the whigs; as they despised dominions and spoke evil of dignities, so do the whigs; as they were murmurers and complainers, so are the whigs; who, by their principles, can never be satisfy'd with any concessions, nor obliged by any favours, but must murmur and complain against Moses and Aaron as long as there's a king and bishops in the land.

Furthermore, as the Gnosticks scorned and despised the orthodox Christians, and separated from them, calling them carnal, but themselves spiritual men, and yet were sensualists, defilers of the flesh, and, like the Sodomites and Gomorrheans, given to unnatural lusts, so our modern Pharisees scorn us, calling us carnal, or at the best but moral men; and while they pretend to be holier than the people that adhere to the church, they fall into all sorts of impurities, to the great scandal of the protestant name.

I could run the parallel in more particulars, but I remember I am writing a letter, wherein a man is not to exhaust his subject, but rather to hint than to write; and I need not suggest unto you, that I am not so uncharitable as to include every individual among our whigs in this comparative character, for doubtless there are many well-meaning people among them; but you must understand me so, as our Saviour is to be understood, where he describes the general hypocrisie of the Pharisees, among whom notwithstanding were many sincere and pious men.

In this sense it was that St Paul charged the whole nation of the Cretians with the character of one of their old poets, that they were lyars, evil beasts, and slow bellies, and, for my own part, I believe that among the Gnosticks themselves, there were a considerable number that lived free from those portentous sins, with which St Jude and Epiphanius charge the sect.

I am now drawing near the end of this tedious historical letter, in which I hope I have made you ample amends for my six months silence, for which you chid me again in your second letter, which I received by this day's post. You also tell me in it what tragical stories are reported at London concerning the present unhappiness of this kingdom, and the tyrannical administration of affairs therein. In particular you say, that 'tis reported by some of our own countrymen, that the nation is enslaved, that there is nothing among us but pluderings, burnings, murders, ravishing of women, and all

other sorts of devastation, which has made considerable persons fly the country, particularly D. H., who, I assure you, came to town from his own house but two or three days ago. You also tell me there are reports of a secret correspondence betwixt the Duke of Lauderdale and the Viscount of Granard on the maritime borders, whose real design they say is to advance the presbyterian interest, all that hath already been done under his grace's conduct against them being nothing but for shew and pretext. I need but desire you to recollect what I have already written concerning the occasion of our present disorders, and the faction that supports the schism, to make you divine from what original these lying stories proceed, and for what end they disperse them about the world.

I imagine by this time you are very weary, but though you be, you must put yourself to the penance I always enjoin you, to read my letters once for the author's sake as well as for your own. You know I came to England the last time upon no other account but to learn the language, and promised to keep correspondence with you upon this condition, that you would make remarks upon my letters, and faithfully admonish me of all the Scotticisms, or all the words and phrases that are not current English therein. I confess I have a great veneration for our own and the northern English language upon account of the Anglo-Saxon, to which they are so nearly allied; but yet I think it prudent to observe that rule in Macrobius, *Loquere cum præsentibus verbis præteritis verbis moribus vive;* and, therefore, am as ambitious to write modern English as any Gascon or Provençal can be to write the modern French.

You may communicate this letter to as many of your friends as you please, but you must take care to conceal my name, least, if it be known, I pass for an enemy to the people of God; and thereupon another Mitchel send me out of the world for a Canaanite or Egyptian, with a brace of bullets or a dirke. The narratives, I humbly conceive, are very profitable to be known: one of them affords an excellent example of counterfeit zeal, and the other of hypocrisie or pharisaism, which, from the beginning of things, hath always been the most powerful engine which the Corahs of all ages and nations have used to draw the multitude into faction and schism. Besides, the knowledge of these things will move all good Christians to pity the miserable condition of our church, and to pray for her both to God and the king; and likewise undeceive all ingenuous spirits, that have had the unhappiness to be misguided by the false informations which our fanaticks send to yours. There is a more strict and mysterious correspondence betwixt them, than the present pains, in which I write, will permit me to relate.

But by that time I come next to London I shall be able to discover the cabala unto you, which I shall better talk in half an hour than write in many days: in the mean time, let us love, honour, and remember one another with pleasure and respect. Let us pray for the improvement of our church, the preservation of yours, and serve them both in our several stations to the utmost of our power.

I have no more to add, but to desire you to remember that my title is advocate and not councellor at law; there's almost none here knows what that title means; so that the post-master kept your last letter a week before he could imagine it was directed to

Your most faithful
and obedient servant.

Edinburgh, March the 5th, 1677.

FINIS.

A true History of the Captivity and Restoration of Mrs Mary Rowlandson, a Minister's Wife in New-England: wherein is set forth the cruel and inhumane Usage she underwent amongst the Heathens for Eleven Weeks Time, and her Deliverance from them. Written by her own Hand, for her private Use, and now made public at the earnest Desire of some Friends, for the Benefit of the Afflicted. Whereunto is annexed, A Sermon of the Possibility of God's forsaking a People that have been near and dear to him. Preached by Mr Joseph Rowlandson, Husband to the said Mrs Rowlandson, it being his last Sermon.

Printed first at New-England, and re-printed at London; and sold by Joseph Poole, at the Blue Bowl in the Long-Walk, by Christ's Church Hospital. 1682.

" The memorable war between Philip, King of the Wampanoags, and the New England colonies now commenced. Susaman, a friendly Indian, having given notice to the English of a plot that he had discovered among Philip's Indians, against the English, was soon after murdered. Three Indians, one of whom was a counsellor, and particular friend of Philip, was convicted of the murder at Plymouth court, and executed Philip, apprehensive of personal danger, used no farther means to exculpate himself either from the charge of conspiracy, or of having concern in the death of Susaman, but had recourse to arms. Finding his strength daily increasing by the accession of neighbouring Indians, he prepared for war. The Indians, having sent their wives and children to the Narrhagansets for security, began to alarm the English at Swanzey. After offering them insolent menaces, they proceeded to kill their cattle and rifle their houses. Provoked by these abuses, an Englishman discharged his gun at an Indian, and gave him a mortal wound. The Indians instantly fell on the English, and killed all in their power. Eight or nine were slain in Swanzey and its vicinity, on the twenty-fourth of June; and on that day the alarm of war was given in Plymouth colony."—HOLMES' *American Annals, London*, 1808, 8*vo. vol. I. p.* 353. See also COTTON MATHER's *Magnalia Christi Americana, Book VII.* § 11.

During the confusion, occasioned by this war, the captivity of Mrs Rowlandson took place. The distressing circumstances of her slavery are detailed with interest and simplicity; and the devotional character of the narrative, although marked by the peculiarities of puritanism, has all the appearance of religious sincerity. It is indeed difficult to conceive that any sentiment short of a sincere sense of religion, could have supported this unfortunate woman through her scenes of complicated misery.

Preface to the Reader.

IT was on Tuesday, Feb. 1, 1675, in the afternoon, when the Narrhagansets' quarters (in or toward the Nipmug country, whither they were now retired for fear of the English army, lying in their own country) were the second time beaten up by the forces of the united colonies, who thereupon soon betook themselves to flight, and were all the next day pursued by the English, some overtaken and destroyed. But on Thursday, Feb. 3, the English, having now been six days on their march from their headquarters at Wickford, in the Narrhaganset country, toward and after the enemy, and provision grown exceeding short, insomuch that they were fain to kill some horses for

thesu pply, especially of their Indian friends, they were necessitated to consider what was best to be done, and about noon (having hitherto followed the chase as hard as they might) a council was called, and though some few were of another mind, yet it was concluded, by far the greater part of the council of war, that the army should desist the pursuit, and retire; the forces of Plimouth and the Bay to the next town of the Bay, and Connecticut forces to their own next towns, which determination was immediately put in execution; the consequent whereof, as it was not difficult to be foreseen by those that knew the causeless enmity of these barbarians against the English, and the malicious and revengeful spirit of these heathen, so it soon proved dismal.

The Narrhagansets were now driven quite from their own country, and all their provisions there hoarded up, to which they durst not at present return, and being so numerous as they were, soon devoured those to whom they went, whereby both the one and the other were now reduced to extreme straits, and so necessitated to take the first and best opportunity for supply, and very glad no doubt of such an opportunity as this to provide for themselves, and make spoile of the English at once; and seeing themselves thus discharged of their pursuers, and a little refreshed after their flight, the very next week, on Thursday, Feb. 10, they fell with a mighty force and fury upon Lancaster, which small town, remote from aid of others, and not being garrison'd as it might, the army being now come in, and as the time indeed required (the design of the Indians against that place being known to the English some time before) was not able to make effectual resistance; but, notwithstanding the utmost endeavour of the inhabitants, most of the buildings were turned into ashes, many people (men, women, and children) slain, and others captivated. The most solemn and remarkable part of this tragedy may that justly be reputed which fell upon the family of that reverend servant of God, Mr Joseph Rowlandson, the faithful pastor of the church of Christ in that place, who, being gone down to the council of the Massachusets, to seek aid for the defence of the place, at his return found the town in flames or smoke, his own house being set on fire by the enemy, through the disadvantage of a defective fortification, and all in it consumed; his precious yoke-fellow and dear children wounded and captivated (as the issue evidenced, and the following narrative declares) by these cruel and barbarous savages. A sad catastrophe! Thus all things come alike to all; none knows either love or hatred by all that is before him. 'Tis no new thing for God's precious ones to drink as deep as others of the cup of common calamity; take just Lot (yet captivated) for instance, beside others. But it is not my business to dilate on these things, but only in few words introductively to preface to the following script, which is a narrative of the wonderfully awful, wise, holy, powerful, and gracious providence of God toward that worthy and precious gentlewoman, the dear consort of the said Reverend Mr Rowlandson, and her children with her, as in casting of her into such a waterless pit, so in preserving, supporting, and carrying through so many such extream hazards, unspeakable difficulties and disconsolateness, and at last delivering her out of them all, and her surviving children also. It was a strange and amazing dispensation that the Lord should so afflict his precious servant and hand-maid: it was as strange, if not more, that he should so bear up the spirits of his servant under such bereavements, and of his hand-maid under such captivity, travels, and hardships (much too hard for flesh and blood) as he did, and at length deliver and restore. But he was their Saviour, who hath said, "When thou passes through the waters, I will be with thee, and through the rivers, they shall not overflow thee: when thou walkest through the fire, thou shalt not be burnt, nor shall the flame kindle upon thee," Isai. xliii ver. 3; and again, "He woundeth, and his hands make whole; he shall deliver thee in six troubles, yea, in seven there shall no evil touch thee: In famine he shall redeem thee from death; and in war from the power of the sword," Job v. 18, 19, 20. Methinks this dispensation doth bear some resemblance to those of Joseph, David, and Daniel, yea, and of

the three children too, the stories whereof do represent us with the excellent textures of Divine Providence, curious pieces of divine work: and truly so doth this, and therefore not to be forgotten, but worthy to be exhibited to, and viewed and pondered by all that disdain not to consider the operation of his hands.

The works of the Lord (not only of creation, but of providence also, especially those that do more peculiarly concern his dear ones, that are as the apple of his eye, as the signet upon his hand, the delight of his eyes, and the object of his tenderest care) are great, sought out of all those that have pleasure therein; and of these, verily, this is none of the least.

This narrative was penned by this gentlewoman herself, to be to her a memorandum of God's dealing with her, that she might never forget, but remember the same, and the several circumstances thereof, all the daies of her life. A pious scope, which deserves both commendation and imitation. Some friends having obtained a sight of it, could not but be so much affected with the many passages of working Providence discovered therein, as to judge it worthy of public view, and altogether unmeet that such works of God should be hid from present and future generation; and therefore, though this gentlewoman's modesty would not thrust it into the press, yet her gratitude unto God made her not hardly perswadable to let it pass, that God might have his due glory, and others benefit by it as well as herself.

I hope by this time none will cast any reflection upon this gentlewoman, on the score of this publication of her affliction and deliverance. If any should, doubtless they may be reckoned with the nine lepers, of whom it is said, "Were there not ten cleansed? where are the nine?" but one returning to give God thanks. Let such further know, that this was a dispensation of public note and of universal concernment; and so much the more, by how much the nearer this gentlewoman stood related to that faithful servant of God, whose capacity and employment was publick, in the house of God, and his name, on that account, of a very sweet savour in the churches of Christ. Who is there of a true Christian spirit that did not look upon himself much concerned in this bereavement, this captivity in the time thereof, and in this deliverance when it came, yea, more than in many others? And how many are there to whom, so concerned, it will doubtless be a very acceptable thing, to see the way of God with this gentlewoman in the aforesaid dispensation, thus laid out and pourtrayed before their eyes.

To conclude, Whatever any coy phantasies may deem, yet it highly concerns those that have so deeply tasted how good the Lord is, to enquire, with David, "What shall I render to the Lord for all his benefits to me?" Psal. cxvi. 12. He thinks nothing too great; yea, being sensible of his own disproportion to the due praises of God, he calls in help: "O magnifie the Lord with me, let us exalt his name together," Psal. xxxiv. 3. And it is but reason that our praises should hold proportion with our prayers; and that as many have helped together by prayer for the obtaining of this mercy, so praises should be returned by many on this behalf; and forasmuch as not the general, but particular knowledge of things makes deepest impression upon the affections, this narrative, particularizing the several passages of this providence, will not a little conduce thereunto: and therefore holy David, in order to the attainment of that end, accounts himself concerned to declare what God had done for his soul, Psal. lxvi. 16. "Come and hear, all ye that fear God, and I will declare what God hath done for my soul," *i. e.* for his life. See ver. 9, 10. "He holdeth our soul in life, and suffers not our feet to be moved; for thou our God hast proved us: thou hast tried us, as silver is tried." Life-mercies are heart-affecting mercies, of great impression and force to enlarge pious hearts in the praises of God, so that such know not how but to talk of God's acts, and to speak of and publish his wonderful works. Deep troubles, when the waters come in unto the soul, are wont to produce vows: vows must be paid: "It is better not vow, than to vow and not pay." I may say, that as none knows what it is to fight

and pursue such an enemy as this, but they that have fought and pursued them, so none can imagine what it is to be captivated and enslaved to such atheistical, proud, wild, cruel, barbarous, brutish, (in one word,) diabolical creatures as these, the worst of the heathen; nor what difficulties, hardships, hazards, sorrows, anxieties, and perplexities do unavoidably wait upon such a condition, but those that have tried it. No serious spirit then (especially knowing any thing of this gentlewoman's piety) can imagine but that the vows of God are upon her. Excuse her then if she come thus into the publick to pay those vows: come and hear what she hath to say.

I am confident that no friend of Divine Providence will ever repent his time and pains spent in reading over these sheets, but will judge them worth perusing again and again.

Here, reader, you may see an instance of the sovereignty of God, who doth what he will with his own as well as others; and who may say to him, What dost thou? Here you may see an instance of the faith and patience of the saints, under the most heart-sinking tryals; here you may see the promises are breasts full of consolation, when all the world besides is empty, and gives nothing but sorrow; that God is indeed the supream Lord of the world, ruling the most unruly, weakening the most cruel and savage; granting his people mercy in the sight of the most unmerciful; curbing the lusts of the most filthy, holding the hands of the violent, delivering the prey from the mighty, and gathering together the out-casts of Israel. Once and again, you have heard, but here you may see that power belongeth unto God, that our God is the God of salvation, and to him belong the issues from death; that our God is in the heavens, and doth whatever pleases him. Here you have Samson's riddle exemplified, and that great promise, Rom. viii. 28, verified: "Out of the eater comes forth meat, and sweetness out of the strong;" the worst of evils working together for the best good. How evident is it that the Lord hath made this gentlewoman a gainer by all this affliction, that she can say, 'Tis good for her, yea, better that she hath been, than she should not have been thus afflicted.

Oh how doth God shine forth in such things as these!

Reader, if thou gettest no good by such a declaration as this, the fault must needs be thine own. Read, therefore, peruse, ponder, and from hence lay up something from the experience of another, against thine own turn comes, that so thou also, through patience and consolation of the scripture, mayest have hope,

PER AMICUM.

A Narrative of the Captivity and Restoration of Mrs Mary Rowlandson.

On the tenth of February, 1675, came the Indians with great numbers upon Lancaster. Their first coming was about sun-rising. Hearing the noise of some guns, we looked out; several houses were burning, and the smoke ascending to heaven. There were five persons taken in one house, the father and the mother, and a sucking child, they knock'd on the head; the other two they took, and carried away alive. There were two others, who, being out of their garrison upon some occasion, were set upon; one was knock'd on the head, the other escaped. Another there was, who, running along, was shot and wounded, and fell down; he begged of them his life, promising them money, (as they told me;) but they would not hearken to him, but knock'd him on the head, stripped him naked, and split open his bowels. Another, seeing many of the Indians about his barn, ventured and went out, but was quickly shot down. There were three others belonging to the same garrison who were killed. The Indians, getting up upon the roof of the barn, had advantage to shoot down upon them over their

fortification. Thus these murtherous wretches went on, burning and destroying before them.

At length they came and beset our own house, and quickly it was the dolefullest day that ever mine eyes saw. The house stood upon the edge of a hill: some of the Indians got behind the hill, others into the barn, and others behind any thing that would shelter them; from all which places they shot against the house, so that the bullets seemed to fly like hail; and quickly they wounded one man among us, then another, and then a third. About two hours (according to my observation in that amazing time) they had been about the house before they could prevail to fire it, (which they did with flax and hemp, which they brought out of the barn, and there being no defence about the house, only two flankers, at two opposite corners, and one of them not finished). They fired it once, and one ventured out and quenched it; but they quickly fired it again, and that took. Now is that dreadful hour come that I have often heard of, (in the time of the war, as it was the case of others,) but now mine eyes see it. Some in our house were fighting for their lives, others wallowing in their blood; the house on fire over our heads, and the bloody heathen ready to knock us on the head if we stirred out. Now might we hear mothers and children crying out for themselves and one another, "Lord, what shall we do?" Then I took my children (and one of my sisters, hers) to go forth and leave the house; but as soon as we came to the door and appeared, the Indians shot so thick that the bullets rattled against the house as if one had taken an handful of stones and threw them, so that we were fain to give back. We had six stout dogs belonging to our garrison, but none of them would stir, though another time, if an Indian had come to the door, they were ready to fly upon him, and tear him down. The Lord hereby would make us the more to acknowledge his hand, and to see that our help is always in him. But out we must go, the fire increasing and coming along behind us roaring, and the Indians gaping before us with their guns, spears, and hatchets to devour us. No sooner were we out of the house but my brother in-law (being before wounded, in defending the house, in or near the throat) fell down dead, whereat the Indians scornfully shouted and hallowed, and were presently upon him, stripping off his clothes. The bullets flying thick, one went thorow my side, and the same (as would seem) thorow the bowels and hand of my dear child in my arms One of my eldest sister's children (named William) had then his leg broken, which the Indians perceiving, they knock'd him on the head. Thus were we butchered by those merciless heathen, standing amazed, with the blood running down to our heels. My elder sister, being yet in the house, and seeing those woful sights, the infidels hauling mothers one way and children another, and some wallowing in their blood, and her elder son telling her that (her son) William was dead, and myself was wounded, she said, "And, Lord, let me die with them!" which was no sooner said but she was struck with a bullet, and fell down dead over the threshold. I hope she is reaping the fruit of her good labours, being faithful to the service of God in her place. In her younger years she lay under much trouble upon spiritual accounts, till it pleased God to make that precious scripture take hold of her heart, 2 Cor. xii. 9, "And he said unto me, My grace is sufficient for thee." More than twenty years after, I have heard her tell how sweet and comfortable that place was to her. But to return: the Indians laid hold of us, pulling me one way and the children another, and said, "Come, go along with us" I told them they would kill me. They answered, If I were willing to go along with them, they would not hurt me.

O the doleful sight that now was to behold at this house! "Come, behold the works of the Lord, what desolation he has made in the earth." Of thirty seven persons who were in this one house, none escaped either present death or a bitter captivity, save only one, who might say as he, Job i. 15, "And I only am escaped alone to tell the

news." There were twelve killed, some shot, some stabb'd with their spears, some knock'd down with their hatchets. When we are in prosperity, oh the little that we think of such dreadful sights; and to see our dear friends and relations lie bleeding out their heart-blood upon the ground! There was one who was chopped into the head with a hatchet, and stripp'd naked, and yet was crawling up and down. It was a solemn sight to see so many Christians lying in their blood, some here and some there, like a company of sheep torn by wolves; all of them stript naked by a company of hell-hounds, roaring, singing, ranting, and insulting, as if they would have torn our very hearts out; yet the Lord, by his almighty power, preserved a number of us from death, for there were twenty-four of us taken alive, and carried captive.

I had often before this said, that if the Indians should come, I should chuse rather to be killed by them than taken alive; but when it came to the trial my mind changed; their glittering weapons so daunted my spirit, that I chose rather to go along with those (as I may say) ravenous bears, than that moment to end my daies. And that I may the better declare what happened to me during that grievous captivity, I shall particularly speak of the several removes we had up and down the wilderness.

The first Remove.—Now away we must go with those barbarous creatures, with our bodies wounded and bleeding, and our hearts no less than our bodies. About a mile we went that night, up upon a hill, within sight of the town, where they intended to lodge. There was hard by a vacant house; (deserted by the English before for fear of the Indians;) I asked them whether I might not lodge in the house that night? to which they answered, "What, will you love English-men still?" This was the dolefullest night that ever my eyes saw: oh the roaring, and singing, and dancing, and yelling of those black creatures in the night, which made the place a lively resemblance of hell! And as miserable was the waste that was there made of horses, cattle, sheep, swine, calves, lambs, roasting pigs, and fowls, (which they had plundered in the town,) some roasting, some lying and burning, and some boyling, to feed our merciless enemies, who were joyful enough, though we were disconsolate. To add to the dolefulness of the former day, and the dismalness of the present night, my thoughts ran upon my losses and sad bereaved condition. All was gone; my husband gone, (at least separated from me, he being in the Bay, and, to add to my grief, the Indians told me they would kill him as he came homeward,) my children gone, my relations and friends gone, our house and home, and all our comforts within door and without, all was gone, (except my life,) and I knew not but the next moment that might go too.

There remained nothing to me but one poor wounded babe, and it seemed at present worse than death that it was in such a pitiful condition, bespeaking compassion, and I had no refreshing for it, nor suitable things to revive it. Little do many think what is the savageness and brutishness of this barbarous enemy, even those that seem to profess more than others among them, when the English have fallen into their hands.

Those seven that were killed at Lancaster the summer before, upon a Sabbath-day, and the one that was afterward killed upon a week day, were slain and mangled in a barbarous manner by one-eyed John, and Marlberough's praying Indians, which Capt. Mosely brought to Boston, as the Indians told me.

The second Remove.—But now (the next morning) I must turn my back upon the town, and travel with them into the vast and desolate wilderness, I know not whither. It is not my tongue or pen can express the sorrows of my heart and bitterness of my spirit that I had at this departure: but God was with me in a wonderful manner, carrying me along, and bearing up my spirit, that it did not quite fail. One of the Indians carried my poor wounded babe upon a horse: it went moaning all along, "I shall die, I shall die!" I went on foot after it, with sorrow that cannot be exprest. At length I took it off the horse, and carried it in my arms, till my strength failed, and I fell down with it. Then they set me upon a horse, with my wounded child in my lap; and there

being no furniture upon the horse back, as we were going down a steep hill, we both fell over the horse's head, at which they, like inhuman creatures, laught, and rejoiced to see it, though I thought we should there have ended our dayes, as overcome with so many difficulties. But the Lord renewed my strength still, and carried me along, that I might see more of his power, yea, so much that I could never have thought of had I not experienced it.

After this it quickly began to snow; and when night came on they stopt, and now down I must sit in the snow, (by a little fire and a few boughs behind me,) with my sick child in my lap, and calling much for water, being now (thorough the wound) fallen into a violent fever; (my own wound also growing so stiff that I could scarce sit down or rise up;) yet so it must be, that I must sit all this cold winter night upon the cold snowy ground, with my sick child in my arms, looking that every hour would be the last of its life, and having no Christian friend near me, either to comfort or help me. Oh I may see the wonderful power of God, that my spirit did not utterly sink under my affliction!—still the Lord upheld me with his gracious and merciful spirit, and we were both alive to see the light of the next morning.

The third Remove.—The morning being come, they prepared to go on their way. One of the Indians got up upon a horse, and they set me up behind him, with my poor sick babe in my lap. A very wearisome and tedious day I had of it, what with my own wound, and my child's being so exceeding sick, and in a lamentable condition with her wound. It may easily be judged what a poor feeble condition we were in, there being not the least crumb of refreshing that came within either of our mouths from Wednesday night to Saturday night, except only a little cold water. This day in the afternoon, about an hour by sun, we came to the place where they intended, viz. an Indian town called Wenimesset, northward of Quabaug. When we were come, oh the number of pagans (now merciless enemies) that there came about me, that I may say as David, Psal. xxvii. 13, "I had fainted, unless I had believed," &c. The next day was the Sabbath: I then remembered how careless I had been of God's holy time; how many Sabbaths I had lost and mispent, and how evilly I had walked in God's sight, which lay so close upon my spirit, that it was easie for me to see how righteous it was with God to cut off the thread of my life, and cast me out of his presence for ever. Yet the Lord still shewed mercy to me, and upheld me; and as he wounded me with one hand, so he healed me with the other. This day there came to me one Robert Pepper, (a man belonging to Roxbury,) who was taken in Capt. Beers his fight, and had been now a considerable time with the Indians, and up with them almost as far as Albany, to see King Philip, as he told me, and was now very lately come with them into these parts. Hearing, I say, that I was in this Indian town, he obtained leave to come and see me. He told me he himself was wounded in the leg, at Capt. Beers his fight, and was not able sometime to go, but as they carried him, and that he took oaken leaves and laid to his wound, and through the blessing of God he was able to travel again. Then I took oaken leaves and laid to my side, and with the blessing of God it cured me also; yet before the cure was wrought, I may say as it is in Psal. xxxviii. 5, 6, "My wounds stink and are corrupt, I am troubled, I am bowed down greatly, I go mourning all the day long." I sate much alone with a poor wounded child in my lap, which mourned night and day, having nothing to revive the body or chear the spirits of her; but, instead of that, sometimes one Indian would come and tell me one hour, And your master will knock your child in the head, and then a second, and then a third, Your master will quickly knock your child in the head.

This was the comfort I had from them; miserable comforters are ye all, as he said. Thus nine dayes I sat upon my knees, with my babe in my lap, till my flesh was raw again. My child, being even ready to depart this sorrowful world, they bad me carry it out to another wigwam; (I suppose because they would not be troubled with such

spectacles;) whither I went with a very heavy heart, and down I sate with the picture of death in my lap. About two hours in the night, my sweet babe, like a lamb, departed this life, on Feb. 18, 1675, it being about six years and five months old. It was nine dayes (from the first wounding) in this miserable condition, without any refreshing of one nature or other, except a little cold water. I cannot but take notice how, at another time, I could not bear to be in the room where any dead person was; but now the case is changed; I must and could lye down by my dead babe, side by side, all the night after. I have thought since of the wonderful goodness of God to me, in preserving me so in the use of my reason and senses in that distressed time, that I did not use wicked and violent means to end my own miserable life. In the morning, when they understood that my child was dead, they sent for me home to my master's wigwam, (by my master, in this writing, must be understood Quannopin, who was a Saggamore, and married King Philip's wife's sister; not that he first took me, but I was sold to him by another Narrhaganset Indian, who took me when first I came out of the garrison). I went to take up my dead child in my arms to carry it with me, but they bid me let it alone; there was no resisting, but go I must and leave it. When I had been a while at my master's wigwam, I took the first opportunity I could get to go look after my dead child. When I came, I asked them what they had done with it. They told me it was upon the hill; then they went and shewed me where it was, where I saw the ground was newly digged, and there they told me they had buried it; there I left that child in the wilderness, and must commit it, and myself also, in this wilderness condition, to Him who is above all. God having taken away this dear child, I went to see my daughter Mary, who was at this same Indian town, at a wigwam not very far off, though we had little liberty or opportunity to see one another: she was about ten years old, and taken from the door at first by a praying Indian, and afterward sold for a gun. When I came in sight she would fall a-weeping, at which they were provoked, and would not let me come near her, but bade me be gone, which was a heart-cutting word to me. I had one child dead, another in the wilderness I knew not where, the third they would not let me come near to: "Me (as he said) have ye bereaved of my children; Joseph is not, and Simeon is not, and ye will take Benjamin also, all these things are against me." I could not sit still in this condition, but kept walking from one place to another: and as I was going along, my heart was even overwhelmed with the thoughts of my condition, and that I should have children and a nation which I knew not ruled over them; whereupon I earnestly intreated the Lord that he would consider my low estate, and shew me a token for good, and, if it were his blessed will, some sign and hope of some relief: and indeed quickly the Lord answered, in some measure, my poor prayer; for, as I was going up and down, mourning and lamenting my condition, my son came to me, and asked me how I did. I had not seen him before since the destruction of the town, and I knew not where he was till I was informed by himself, that he was amongst a smaller parcel of Indians, whose place was about six miles off. With tears in his eyes, he asked me whether his sister Sarah was dead, and told me he had seen his sister Mary; and prayed me that I would not be troubled in reference to himself. The occasion of his coming to see me at this time was this: There was, as I said, about six miles from us a small plantation of Indians, where it seems he had been during his captivity; and at this time there were some forces of the Indians gathered out of our company, and some also from them, (amongst whom was my son's master,) to go to assault and burn Medfield: in this time of the absence of his master, his dame brought him to see me. I took this to be some gracious answer to my earnest and unfeigned desire. The next day, viz. to this, the Indians returned from Medfield, (all the company, for those that belonged to the other smaller company came thorow the town that now we were at). But before they came to us, oh the outragious roaring and hooping that there was! They began their din

about a mile before they came to us. By their noise and hooping, they signified how many they had destroyed, (which was at that time twenty-three). Those that were with us at home were gathered together as soon as they heard the hooping, and every time that the other went over their number, these at home gave a shout, that the very earth rang again; and thus they continued till those that had been upon the expedition were come up to the Saggamore's wigwam; and then, oh the hideous insulting and triumphing that there was over some English-men's scalps that they had taken (as their manner is) and brought with them! I cannot but take notice of the wonderful mercy of God to me in those afflictions, in sending me a Bible: one of the Indians that came from Medfield fight, and had brought some plunder, came to me, and asked me if I would have a Bible, he had got one in his basket. I was glad of it, and asked him whether he thought the Indians would let me read. He answered, yes. So I took the Bible, and in that melancholy time it came into my mind to read first the 28th chapter of Deuteronomie, which I did; and when I had read it, my dark heart wrought on this manner, that there was no mercy for me; that the blessings were gone, and the curses came in their room, and that I had lost my opportunity. But the Lord helped me to go on reading till I came to chap. xxx, the seven first verses, where I found there was mercy promised again, if we would return to him by repentance; and though we were scattered from one end of the earth to the other, yet the Lord would gather us together, and turn all those curses upon our enemies. I do not desire to live to forget this scripture, and what comfort it was to me.

Now the Indians began to talk of removing from this place, some one way and some another. There were now, besides myself, nine English captives in this place, (all of them children, except one woman). I got an opportunity to go and take my leave of them, they being to go one way and I another. I asked them whether they were earnest with God for deliverance; they all told me they did as they were able; and it was some comfort to me that the Lord stirred up children to look to him. The woman, viz. good wife Joslin, told me she should never see me again, and that she could find in her heart to run away. I wisht her not to run away by any means, for we were near thirty miles from any English town, and she very big with child, and had but one week to reckon, and another child in her arms two years old; and bad rivers there were to go over, and we were feeble with our poor and coarse entertainment. I had my Bible with me; I pulled it out, and asked her whether she would read; we opened the Bible, and lighted on Psal. xxvii, in which psalm we especially took notice of that, ver. ult. "Wait on the Lord, be of good courage, and he shall strengthen thine heart; wait, I say, on the Lord."

The fourth Remove.—And now must I part with that little company that I had. Here I parted from my daughter Mary, (whom I never saw again till I saw her in Dorchester, returned from captivity,) and from four little cousins and neighbours, some of which I never saw afterward; the Lord only knows the end of them. Amongst them also was that poor woman beforementioned, who came to a sad end, as some of the company told me in my travel: she having much grief upon her spirit about her miserable condition, being so near her time, she would be often asking the Indians to let her go home; they, not being willing to that, and yet vexed with her importunity, gathered a great company together about her, and stript her naked, and set her in the midst of them; and when they had sung and danced about her (in their hellish manner) as long as they pleased, they knockt her on the head, and the child in her arms with her. When they had done that they made a fire, and put them both into it; and told the other children that were with them, that if they attempted to go home, they would serve them in like manner. The children said she did not shed one tear, but prayed all the while. But, to return to my own journey,—we travelled about half a day, or a little more, and came to a desolate place in the wilderness, where there were no wigwams or

inhabitants before; we came about the middle of the afternoon to this place, cold, and wet, and snowy, and hungry, and weary, and no refreshing (for man) but the cold ground to sit on, and our poor Indian cheer.

Heart-aking thoughts here I had about my poor children, who were scattered up and down amongst the wild beasts of the forest: my head was light and dizzy, (either through hunger, or hard lodging, or trouble, or all together,) my knees feeble, my body raw by sitting double night and day, that I cannot express to man the affliction that lay upon my spirit; but the Lord helped me at that time to express it to himself. I opened my Bible to read, and the Lord brought that precious scripture to me, Jer. xxxi. 16, "Thus saith the Lord, refrain thy voice from weeping, and thine eyes from tears, for thy work shall be rewarded, and they shall come again from the land of the enemy." This was a sweet cordial to me when I was ready to faint; many and many a time have I sate down and wept sweetly over this scripture. At this place we continued about four days.

The fifth Remove.—The occasion (as I thought) of their moving at this time was the English army, its being near and following them; for they went as if they had gone for their lives for some considerable way, and then they made a stop, and chose out some of their stoutest men, and sent them back to hold the English army in play whilst the rest escaped, and then, like Jehu, they marched on furiously, with their old and with their young: some carried their old decrepit mothers, some carried one and some another. Four of them carried a great Indian upon a bier; but going through a thick wood with him they were hindered, and could make no haste, whereupon they took him upon their backs, and carried him, one at a time, till we came to Bacquaug river. Upon a Friday, a little after noon, we came to this river. When all the company was come up, and were gathered together, I thought to count the number of them; but they were so many, and being somewhat in motion, it was beyond my skill. In this travel, because of my wound, I was somewhat favoured in my load; I carried only my knitting work, and two quarts of parched meal. Being very faint, I asked my mistress to give me one spoonful of the meal, but she would not give me a taste. They quickly fell to cutting dry trees, to make rafts to carry them over the river; and soon my turn came to go over. By the advantage of some brush, which they had laid upon the raft to sit on, I did not wet my foot, (when many of themselves at the other end were mid-leg deep,) which cannot but be acknowledged as a favour of God to my weakened body, it being a very cold time. I was not before acquainted with such kind of doings or dangers.—"When thou passest through the waters I will be with thee, and through the rivers they shall not overflow thee." Isai. xliii. 2. A certain number of us got over the river that night, but it was the night after the Sabbath before all the company was got over. On the Saturday they boyled an old horse's leg, (which they had got,) and so we drank of the broth; as soon as they thought it was ready, and when it was almost all gone, they filled it up again.

The first week of my being among them I hardly eat any thing; the second week I found my stomach grow very faint for want of something, and yet 'twas very hard to get down their filthy trash; but the third week (though I could think how formerly my stomach would turn against this or that, and I could starve and die before I could eat such things, yet) they were pleasant and savoury to my taste. I was at this time knitting a pair of white cotton stockings for my mistress, and I had not yet wrought upon the Sabbath-day: when the Sabbath came, they bade me go to work; I told them it was Sabbath-day, and desired them to let me rest, and told them I would do as much more to-morrow; to which they answered me, they would break my face. And here I cannot but take notice of the strange providence of God in preserving the heathen: They were many hundreds, old and young, some sick and some lame; many had papooses at their backs, the greatest number (at this time with us) were squaws;

and they travelled with all they had, bag and baggage, and yet they got over this river aforesaid; and on Monday they set their wigwams on fire, and away they went: on that very day came the English army after them to this river, and saw the smoke of their wigwams, and yet this river put a stop to them. God did not give them courage or activity to go after us; we were not ready for so great a mercy as victory and deliverance; if we had been, God would have found out a way for the English to have passed this river, as well as for the Indians, with their squaws and children, and all their luggage.—" Oh that my people had hearkened to me, and Israel had walked in my wayes, I should soon have subdued their enemies, and turned my hand against their adversaries," Psal. lxxxi. 13, 14.

The sixth Remove.—On Monday (as I said) they set their wigwams on fire and went away. It was a cold morning, and before us was a great brook with ice on it; some waded through it up to the knees and higher; but others went till they came to a beaver-dam, and I amongst them, where, thorough the good providence of God, I did not wet my foot. I went along that day mourning and lamenting, leaving farther my own countrey, and travelling into the vast and howling wilderness; and I understood something of Lot's wife's temptation, when she looked back. We came that day to a great swamp, by the side of which we took up our lodging that night. When I came to the brow of the hill that looked toward the swamp, I thought we had been come to a great Indian town, (though there were none but our own company,) the Indians were as thick as the trees; it seemed as if there had been a thousand hatchets going at once: if one looked before one there was nothing but Indians, and behind one nothing but Indians, and so on either hand, I myself in the midst, and no Christian soul near me, and yet how hath the Lord preserved me in safety! Oh the experience that I have had of the goodness of God to me and mine!

The seventh Remove.—After a restless and hungry night there, we had a wearisome time of it the next day. The swamp by which we lay was, as it were, a deep dungeon, and an exceeding high and steep hill before it. Before I got to the top of the hill, I thought my heart and legs and all would have broken and failed me; what through faintness and soreness of body, it was a grievous day of travel to me. As we went along, I saw a place where English cattle had been; that was a comfort to me, such as it was. Quickly after that we came to an English path, which so took with me that I thought I could there have freely lyen down and died. That day, a little after noon, we came to Squaukheag, where the Indians quickly spread themselves over the deserted English fields, gleaning what they could find; some pickt up ears of wheat that were crickled down, some found ears of Indian corn, some found ground-nuts, and others sheaves of wheat, that were frozen together in the shock, and went to threshing of them out. Myself got two ears of Indian corn; and whilst I did but turn my back, one of them was stollen from me, which much troubled me. There came an Indian to them at that time with a basket of horse-liver. I asked him to give me a piece. " What, (says he) can you eat horse-liver?" I told him I would try, if he would give me a piece, which he did, and I laid it on the coals to roast; but before it was half ready, they got half of it away from me, so that I was fain to take the rest, and eat it as it was, with the blood about my mouth, and yet a savoury bit it was to me; for to the hungry soul every bitter thing is sweet. A solemn sight methought it was to see whole fields of wheat and Indian corn forsaken and spoiled, and the remainders of them to be food for our merciless enemies. That night we had a mess of wheat for our supper.

The eighth Remove.—On the morrow morning we must go over the river, *i. e.* Connecticut, to meet with King Philip. Two cannoos full they had carried over, the next turn I myself was to go; but as my foot was upon the cannoo to step in, there was a sudden outcry among them, and I must step back, and, instead of going over the river,

I must go four or five miles up the river farther northward. Some of the Indians ran one way, and some another. The cause of this rout was, as I thought, their espying some English scouts who were thereabout.

In this travel up the river, about noon the company made a stop, and sat down, some to eat, and others to rest them. As I sate amongst them, musing of things past, my son Joseph unexpectedly came to me; we asked of each others welfare, bemoaning our doleful condition, and the change that had come upon us: we had husband and father, and children and sisters, and friends and relations, and house and home, and many comforts of this life, but now we might say as Job, "Naked came I out of my mother's womb, and naked shall I return; the Lord gave, and the Lord hath taken away, blessed be the name of the Lord." I asked him, whether he would read? he told me he earnestly desired it. I gave him my Bible, and he lighted upon that comfortable scripture, Psal. cxviii. 17, 18, "I shall not die, but live, and declare the works of the Lord: the Lord hath chastened me sore, yet he hath not given me over to death." Look here, mother, (says he) did you read this? And here I may take occasion to mention one principal ground of my setting forth these few lines; even as the psalmist says, To declare the works of the Lord, and his wonderful power in carrying us along, preserving us in the wilderness, while under the enemies hand, and returning of us in safety again; and his goodness in bringing to my hand so many comfortable and suitable scriptures in my distress. But, to return: we travelled on till night, and, in the morning, we must go over the river to Philip's crew. When I was in the cannoo, I could not but be amazed at the numerous crew of pagans that were on the bank on the other side. When I came ashore, they gathered all about me, I sitting alone in the midst; I observed they asked one another questions, and laughed, and rejoyced over their gains and victories; then my heart began to faile, and I fell a-weeping, which was the first time, to my remembrance, that I wept before them. Although I had met with so much affliction, and my heart was many times ready to break, yet could I not shed one tear in their sight, but rather had been all this while in a maze, and like one astonished; but now I may say, as Psal. cxxxvii. 1, "By the rivers of Babylon, there we sate down, yea we wept when we remembered Zion." There one of them asked me, why I wept? I could hardly tell what to say; yet I answered, they would kill me: No, said he, none will hurt you. Then came one of them and gave me two spoonfuls of meal to comfort me, and another gave me half a pint of pease, which was more worth than many bushels at another time. Then I went to see King Philip; he bade me come in and sit down, and asked me, whether I would smoak it? (an usual compliment now-a-days amongst saints and sinners.) But this no way suited me; for though I had formerly used tobacco, yet I had left it ever since I was first taken. It seems to be a bait the devil layes to make men lose their precious time. I remember with shame, how, formerly, when I had taken two or three pipes, I was presently ready for another, such a bewitching thing it is; but I thank God he has now given me power over it; surely there are many who may be better imployed than to lye sucking a stinking tobacco-pipe.

Now the Indians gather their forces to go against North-hampton; over night one went about yelling and hooting to give notice of the design; whereupon they fell to boyling of ground nuts, and parching of corn, (as many as had it) for their provision; and, in the morning, away they went. During my abode in this place Philip spake to me to make a shirt for his boy, which I did, for which he gave me a shilling; I offered the money to my master, but he bade me keep it, and with it I bought a piece of horse flesh. Afterwards I made a cap for his boy, for which he invited me to dinner; I went, and he gave me a pancake about as big as two fingers; it was made of parched wheat, beaten and fryed in bears grease, but I thought I never tasted pleasanter meat in my life. There was a squaw who spake to me to make a shirt for her sannup, for

which she gave me a piece of bear. Another asked me to knit a pair of stockings, for which she gave me a quart of pease. I boyled my pease and bear together, and invited my master and mistress to dinner; but the proud gossip, because I served them both in one dish, would eat nothing, except one bit that he gave her upon the point of his knife. Hearing that my son was come to this place, I went to see him, and found him lying flat upon the ground; I asked him how he could sleep so? he answered me, that he was not asleep, but at prayer, and lay so, that they might not observe what he was doing. I pray God he may remember these things, now he is returned in safety. At this place (the sun now getting higher) what with the beams and heat of the sun, and the smoak of the wigwams, I thought I should have been blind: I could scarce discern one wigwam from another. There was here one Mary Thurston of Medfield, who, seeing how it was with me, lent me a hat to wear; but as soon as I was gone, the squaw (who owned that Mary Thurston) came running after me, and got it away again. Here there was a squaw who gave me one spoonful of meal; I put it in my pocket to keep it safe; yet, notwithstanding, somebody stole it, but put five Indian corns in the room of it, which corns were the greatest provision I had in my travel for one day.

The Indians returning from North-hampton, brought with them some horses and sheep, and other things which they had taken; I desired them that they would carry me to Albany upon one of those horses, and sell me for powder, for so they had sometimes discoursed. I was utterly hopeless of getting home on foot the way that I came. I could hardly bear to think of the many weary steps I had taken to come to this place.

The ninth Remove.—But instead of going either to Albany or homeward, we must go five miles up the river, and then go over it. Here we abode a while. Here lived a sorry Indian, who spake to me to make him a shirt; when I had done it, he would pay me nothing. But he living by the river side, where I often went to fetch water, I would often be putting him in mind, and calling for my pay; at last, he told me, if I would make another shirt, for a papoos not yet born, he would give me a knife, which he did, when I had done it. I carried the knife in, and my master asked me to give it him, and I was not a little glad that I had any thing that they would accept of, and be pleased with. When we were at this place, my master's maid came home; she had been gone three weeks into the Narrhaganset country to fetch corn, where they had stored up some in the ground; she brought home about a peck and half of corn. This was about the time that their great captain (Naananto) was killed in the Narrhaganset country.

My son being now about a mile from me, I asked liberty to go and see him; they bade me go, and away I went, but quickly lost myself, travelling over hills and through swamps, and could not find the way to him. And I cannot but admire at the wonderful power and goodness of God to me, in that though I was gone from home, and met with all sorts of Indians, and those I had no knowledge of, and there being no Christian soul near me, yet not one of them offered the least imaginable miscarriage to me. I turned homeward again, and met with my master; he shewed me the way to my son: when I came to him I found him not well, and withal he had a boyl on his side, which much troubled him; we bemoaned one another a while, as the Lord helped us, and then I returned again. When I was returned, I found myself as unsatisfied as I was before. I went up and down moaning and lamenting, and my spirit was ready to sink with the thoughts of my poor children; my son was ill, and I could not but think of his mournful looks, and no Christian friend was near him to do any office of love for him, either for soul or body. And my poor girl, I knew not where she was, nor whether she was sick or well, or alive or dead. I repaired under these thoughts

to my Bible (my great comforter in that time) and that scripture came to my hand, "Cast thy burden upon the Lord, and he shall sustain thee." Psal. lv. 22.

But I was fain to go and look after something to satisfie my hunger; and going among the wigwams, I went into one, and there found a squaw who shewed herself very kind to me, and gave me a piece of bear. I put it into my pocket, and came home, but could not find an opportunity to broil it, for fear they would get it from me, and there it lay all that day and night in my stinking pocket. In the morning I went again to the same squaw, who had a kettle of ground nuts boyling; I asked her to let me boyle my piece of bear in her kettle, which she did, and gave me some ground nuts to eat with it, and I cannot but think how pleasant it was to me. I have seen bear baked very handsomely amongst the English, and some liked it, but the thoughts that it was bear made me tremble: but now that was savoury to me that one would think was enough to turn the stomach of a bruit creature.

One bitter cold day I could find no room to sit down before the fire; I went out, and could not tell what to do, but I went into another wigwam where they were also sitting round the fire; but the squaw laid a skin for me, and bid me sit down, and gave me some ground nuts, and bade me come again, and told me they would buy me if they were able; and yet these were strangers to me that I never knew before.

The tenth Remove.—That day a small part of the company removed about three quarters of a mile, intending farther the next day. When they came to the place where they intended to lodge, and had pitched their wigwams, being hungry, I went again back to the place we were before at, to get something to eat, being incouraged by the squaw's kindness who bade me come again; when I was there, there came an Indian to look after me, who, when he had found me, kickt me all along; I went home, and found venison roasting that night, but they would not give me one bit of it. Sometimes I met with favour, and sometimes with nothing but frowns.

The eleventh Remove.—The next day in the morning they took their travel, intending a dayes journey up the river; I took my load at my back, and quickly we came to wade over a river, and passed over tiresome and wearisome hills. One hill was so steep, that I was fain to creep up upon my knees, and to hold by the twigs and bushes to keep myself from falling backward. My head also was so light, that I usually reeled as I went, but I hope all those wearisome steps that I have taken are but a forwarding of me to the heavenly rest. "I know, O Lord, that thy judgments are right, and that thou in faithfulness hast afflicted me." Psal. cxix. 75.

The twelfth Remove.—It was upon a Sabbath-day morning that they prepared for their travel. This morning, I asked my master, whether he would sell me to my husband? he answered, *nux*, which did much rejoyce my spirit. My mistress, before we went, was gone to the burial of a papoos, and returning, she found me sitting and reading in my Bible; she snatched it hastily out of my hand, and threw it out of doors; I ran out and catcht it up, and put it into my pocket, and never let her see it afterward. Then they packed up their things to be gone, and gave me my load; I complained it was too heavy, whereupon she gave me a slap in the face, and bade me go; I lifted up my heart to God, hoping that redemption was not far off, and the rather, because their insolency grew worse and worse.

But the thoughts of my going homeward (for so we bent our course) much cheared my spirit, and made my burden seem light, and almost nothing at all. But (to my amazement and great perplexity) the scale was soon turned; for, when we had gone a little way, on a sudden my mistress gives out she would go no further, but turn back again, and said I must go back again with her, and she called her sannup, and would have had him gone back also, but he would not, but said, he would go on, and come to us again in three dayes. My spirit was upon his (I confess) very impatient and almost outragious. I thought I could as well have died as went back. I cannot de-

clare the trouble that I was in about it; but yet back again I must go. As soon as I had an opportunity, I took my Bible to read, and that quieting scripture came to my hand, Psal. xlvi. 10, "Be still, and know that I am God," which stilled my spirit for the present; but a sore time of trial I concluded I had to go through. My master being gone, who seemed to me the best friend that I had of an Indian, both in cold and hunger, and quickly so it proved; down I sat, with my heart as full as it could hold, and yet so hungry, that I could not sit neither; but going out to see what I could find, and walking among the trees, I found six acorns and two chesnuts, which were some refreshment to me. Towards night I gathered me some sticks for my own comfort, that I might not lye a cold; but when we came to lye down, they bade me go out and lye somewhere else, for they had company (they said) come in more than their own; I told them I could not tell where to go, they bade me go look; I told them, if I went to another wigwam they would be angry, and send me home again. Then one of the company drew his sword, and told me he would run me through if I did not go presently. Then was I fain to stoop to this rude fellow, and to go out in the night, I knew not whither. Mine eyes have seen that fellow afterwards walking up and down in Boston, under the appearance of a Friend-Indian, and several others of the like cut. I went to one wigwam, and they told me they had no room; then I went to another, and they said the same: at last an old Indian bade me come to him, and his squaw gave me some ground nuts, she gave me also something to lay under my head, and a good fire we had; and, through the good providence of God, I had a comfortable lodging that night. In the morning, another Indian bade me come at night, and he would give me six ground nuts, which I did. We were at this place and time about two miles from Connecticut river. We went in the morning (to gather ground nuts) to the river, and went back again at night. I went with a great load at my back (for they, when they went, though but a little way, would carry all their trumpery with them) I told them the skin was off my back, but I had no other comforting answer from them than this, that it would be no matter if my head were off too.

The thirteenth Remove.—Instead of going toward the Bay (which was that I desired) I must go with them five or six miles down the river, into a mighty thicket of brush, where we abode almost a fortnight. Here one asked me to make a shirt for her papoos, for which she gave me a mess of broth, which was thickened with meal made of the bark of a tree; and to make it the better, she had put into it about a handful of pease, and a few roasted ground nuts. I had not seen my son a pretty while, and here was an Indian of whom I made inquiry after him, and asked him when he saw him? he answered me, that such a time his master roasted him; and that himself did eat a piece of him as big as his two fingers, and that he was very good meat: but the Lord upheld my spirit under his discouragement, and I considered their horrible addictedness to lying, and that there is not one of them that makes the least conscience of speaking the truth. In this place, on a cold night, as I lay by the fire, I removed a stick which kept the heat from me; a squaw moved it down again, at which I lookt up, and she threw an handful of ashes in my eyes; I thought I should have been quite blinded and have never seen more, but lying down, the water run out of my eyes, and carried the dirt with it, that, by the morning, I recovered my sight again. Yet upon this, and the like occasions, I hope it is not too much to say with Job, "Have pity upon me, have pity upon me, Oh ye my friends, for the hand of the Lord has touched me." And here I cannot but remember how many times, sitting in their wigwams, and musing on things past, I should suddenly leap up and run out, as if I had been at home, forgetting where I was, and what my condition was: but, when I was without, and saw nothing but wilderness and woods, and a company of barbarous heathen, my mind quickly returned to me, which made me think of that spoken concerning Sampson, who said, "I will go out and shake myself as at other times, but

he wist not that the Lord was departed from him." About this time I began to think that all my hopes of restoration would come to nothing; I thought of the English army, and hoped for their coming, and being retaken by them, but that failed. I hoped to be carried to Albany, as the Indians had discoursed, but that failed also. I thought of being sold to my husband, as my master spake, but, instead of that, my master himself was gone, and I left behind, so that my spirit was now quite ready to sink. I asked them to let me go out and pick up some sticks, that I might get alone, and pour out my heart unto the Lord. Then also I took my Bible to read, but I found no comfort here neither; yet I can say, that in all my sorrows and afflictions, God did not leave me to have my impatience work towards himself, as if his ways were unrighteous; but I knew that he laid upon me less than I deserved. Afterward, before this doleful time ended with me, I was turning the leaves of my Bible, and the Lord brought to me some scriptures which did a little revive me, as that, Isaiah lv. 8, "For my thoughts are not your thoughts, neither are your ways my ways, saith the Lord." And also that, Psal. xxxvii. 5, "Commit thy way unto the Lord, trust also in him, and he shall bring it to pass."

About this time they came yelping from Hadly, having there killed three Englishmen, and brought one captive with them, viz. Thomas Read. They all gathered about the poor man, asking him many questions. I desired also to go and see him, and when I came, he was crying bitterly, supposing they would quickly kill him; whereupon I asked one of them, whether they intended to kill him? he answered me, they would not: he being a little cheared with that, I asked him about the welfare of my husband; he told me he saw him such a time in the Bay, and he was well, but very melancholy; by which I certainly understood (though I suspected it before) that whatsoever the Indians told me respecting him was vanity and lies. Some of them told me he was dead, and they had killed him; some said he was married again, and that the governour wished him to marry, and told him he should have his choice, and that all perswaded him I was dead. So like were these barbarous creatures to him who was a liar from the beginning.

As I was sitting once in the wigwam here, Philip's maid came in with the child in her arms, and asked me to give her a piece of my apron to make a flap for it; I told her I would not: then my mistress bade me give it, but still I said no. The maid told me, if I would not give her a piece, she would tear a piece off it; I told her I would tear her coat then: with that my mistress rises up, and takes up a stick big enough to have killed me, and struck at me with it, but I stept out, and she struck the stick into the mat of the wigwam. But while she was pulling of it out, I ran to the maid and gave her all my apron, and so that storm went over.

Hearing that my son was come to this place, I went to see him, and told him his father was well, but very melancholy; he told me he was as much grieved for his father as for himself; I wondred at his speech, for I thought I had enough upon my spirit in reference to myself, to make me mindless of my husband and every one else, they being safe among their friends. He told me also, that a while before, his master (together with other Indians) were going to the French for powder, but by the way the Mohawks met with them, and killed four of their company, which made the rest turn back again; for which I desire that myself and he may bless the Lord; for it might have been worse with him, had he been sold to the French, than it proved to be in his remaining with the Indians.

I went to see an English youth in this place, one John Gilberd, of Springfield. I found him lying without doors, upon the ground; I asked him how he did? he told me he was very sick of a flux, with eating so much blood. They had turned him out of the wigwam, and with him an Indian papoos, almost dead, (whose parents had been killed) in a bitter cold day, without fire or clothes: the young man himself had no-

thing on but his shirt and waistcoat; this sight was enough to melt a heart of flint. There they lay quivering in the cold, the youth round like a dog, the papoos stretcht out, with his eyes and nose and mouth full of dirt, and yet alive and groaning. I advised John to go and get to some fire; he told me he could not stand, but I perswaded him still, lest he should ly there and die; and with much ado I got him to a fire, and went myself home. As soon as I was got home, his master's daughter came after me, to know what I had done with the English-man? I told her I had got him to a fire in such a place. Now had I need to pray Paul's prayer, 2 Thess. iii. 2, "That we may be delivered from unreasonable and wicked men." For her satisfaction I went along with her, and brought her to him; but, before I got home again, it was noised about that I was running away, and getting the English youth along with me; that, as soon as I came in, they began to rant and domineer, asking me where I had been? and what I had been doing? and saying they would knock me in the head; I told them I had been seeing the English youth, and that I would not run away; they told me I lied, and taking up a hatchet, they came to me, and said they would knock me down if I stirred out again, and so confined me to the wigwam. Now may I say with David, 2 Sam. xxiv. 14, "I am in a great strait." If I keep in, I must dye with hunger, and if I go out, I must be knockt in the head. This distressed condition held that day and half the next, and then the Lord remembered me, whose mercies are great. Then came an Indian to me with a pair of stockings which were too big for him, and he would have me ravel them out, and knit them fit for him. I shewed myself willing, and bid him ask my mistress if I might go along with him a little way; she said yes, I might, but I was not a little refresht with that news, that I had my liberty again. Then I went along with him, and he gave me some roasted ground nuts, which did again revive my feeble stomach.

Being got out of her sight, I had time and liberty again to look into my Bible, which was my guide by day, and my pillow by night. Now that comfortable scripture presented itself to me, Isaiah liv. 7, "For a small moment have I forsaken thee; but with great mercies will I gather thee." Thus the Lord carried me along from one time to another, and made good to me this precious promise, and many others. Then my son came to see me, and I asked his master to let him stay a while with me, that I might comb his head, and look over him, for he was almost overcome with lice. He told me, when I had done, that he was very hungry, but I had nothing to relieve him, but bid him go into the wigwams as he went along, and see if he could get any thing among them, which he did, and (it seems) tarried a little too long; for his master was angry with him, and beat him, and then sold him. Then he came running to tell me he had a new master, and that he had given him some ground nuts already. Then I went along with him to his new master, who told me he loved him, and he should not want. So his master carried him away, and I never saw him afterward till I saw him at Pascataqua, in Portsmouth.

That night they bade me go out of the wigwam again; my mistress's papoos was sick, and it died that night, and there was one benefit in it, that there was more room. I went to a wigwam, and they bade me come in, and gave me a skin to lye upon, and a mess of venison and ground nuts, which was a choice dish among them On the morrow they buried the papoos, and afterward, both morning and evening, there came a company to mourn and howl with her, though I confess I could not much condole with them. Many sorrowful days I had in this place, often getting alone; "Like a crane or a swallow so did I chatter; I did mourn as a dove, mine eyes fail with looking upward. Oh Lord, I am oppressed, undertake for me." Isaiah xxxviii. 14. I could tell the Lord, as Hezechiah, ver. 3, "Remember now, O Lord, I beseech thee, how I have walked before thee in truth." Now had I time to examine all my wayes; my conscience did not accuse me of unrighteousness toward one or other, yet I saw

how in my walk with God I had been a careless creature. As David said, "Against thee, thee only have I sinned:" and I might say, with the poor publican, "God be merciful unto me a sinner." On the Sabbath days I could look upon the sun, and think how people were going to the house of God to have their souls refresht, and then home, and their bodies also; but I was destitute of both, and might say, as the poor prodigal, "he would fain have filled his belly with the husks that the swine did eat, and no man gave unto him." Luke xv. 16. For I must say with him, "Father, I have sinned against heaven, and in thy sight," ver. 21. I remember how, on the night before and after the Sabbath, when my family was about me, and relations and neighbours with us, we could pray and sing, and then refresh our bodies with the good creatures of God, and then have a comfortable bed to ly down on; but, instead of all this, I had only a little swill for the body, and then, like a swine, must ly down on the ground; I cannot express to man the sorrow that lay upon my spirit, the Lord knows it. Yet that comfortable scripture would often come to my mind, "For a small moment have I forsaken thee, but with great mercies I will gather thee."

The fourteenth Remove.—Now must we pack up and be gone from this thicket, bending our course towards the Bay-towns. I having nothing to eat by the way this day, but a few crumbs of cake, that an Indian gave my girl the same day we were taken. She gave it me, and I put it into my pocket; there it lay till it was so mouldy (for want of good baking) that one could not tell what it was made of; it fell all to crumbs, and grew so dry and hard, that it was like little flints, and this refreshed me many times when I was ready to faint. It was in my thoughts when I put it into my mouth, that if ever I returned, I would tell the world what a blessing the Lord gave to such mean food. As we went along, they killed a deer, with a young one in her; they gave me a piece of the fawn, and it was so young and tender, that one might eat the bones as well as the flesh, and yet I thought it very good. When night came on we sate down; it rained, but they quickly got up a bark wigwam, where I lay dry that night. I looked out in the morning, and many of them had lain in the rain all night, I saw by their reeking. Thus the Lord dealt mercifully with me many times, and I fared better than many of them. In the morning they took the blood of the deer and put it into the paunch, and so boiled it; I could eat nothing of that, though they ate it sweetly; and yet they were so nice in other things, that when I had fetcht water, and had put the dish I dipt the water with into the kettle of water which I brought, they would say they would knock me down, for they said it was a sluttish trick.

The fifteenth Remove.—We went on our travel, I having got one handful of ground nuts for my support that day: they gave me my load, and I went on cheerfully, (with the thoughts of going homeward) having my burden more on my back than my spirit; we came to Baquaug river again that day, near which we abode a few days. Sometimes one of them would give me a pipe, another a little tobacco, another a little salt, which I would change for a little victuals. I cannot but think what a wolvish appetite persons have in a starving condition; for many times, when they gave me that which was hot, I was so greedy, that I should burn my mouth, that it would trouble me hours after, and yet I should quickly do the same again. And after I was thoroughly hungry, I was never again satisfied; for though sometimes it fell out that I got enough, and did eat till I could eat no more, yet I was as unsatisfied as I was when I began. And now could I see that scripture verified, (there being many scriptures which we do not take notice of, or understand, till we are afflicted,) Mic. vi. 14, "Thou shalt eat and not be satisfied." Now might I see more than ever before, the miseries that sin hath brought upon us. Many times I should be ready to run out against the heathen, but that scripture would quiet me again, Amos iii. 6, "Shall there be evil in the city and the Lord hath not done it?" The Lord help me to make a right

improvement of his word, and that I might learn that great lesson, Mic. vi. 8, 9, "He hath shewed thee, O man, what is good; and what doth the Lord require of thee but to do justly, and love mercy, and walk humbly with thy God? Hear ye the rod, and who hath appointed it."

The sixteenth Remove.—We began this remove with wading over Baquaug river. The water was up to the knees, and the stream very swift, and so cold that I thought it would have cut me in sunder. I was so weak and feeble, that I reeled as I went along, and thought there I must end my days at last, after my bearing and getting through so many difficulties. The Indians stood laughing to see me staggering along; but in my distress the Lord gave me experience of the truth and goodness of that promise, Isai. xliii. 2, "When thou passest thorough the waters, I will be with thee, and thorough the rivers, they shall not overflow thee." Then I sate down to put on my stockings and shoes, with the tears running down my eyes, and many sorrowful thoughts in my heart, but I gat up to go along with them. Quickly there came up to us an Indian, who informed them that I must go to Wachuset to my master; for there was a letter come from the council to the Saggamores, about redeeming the captives, and that there would be another in fourteen days, and that I must be there ready. My heart was so heavy before that I could scarce speak, or go in the path, and yet now so light that I could run. My strength seemed to come again, and to recruit my feeble knees and aking heart; yet it pleased them to go but one mile that night, and there we stayed two days. In that time came a company of Indians to us, near thirty, all on horse-back. My heart skipt within me, thinking they had been English-men at the first sight of them, for they were dressed in English apparel, with hats, white neckcloths, and sashes about their waists, and ribbons upon their shoulders; but, when they came near, there was a vast difference between the lovely faces of Christians, and the foul looks of those heathens, which much damped my spirit again.

The seventeenth Remove.—A comfortable remove it was to me, because of my hopes. They gave me my pack, and along we went cheerfully; but quickly my will proved more than my strength; having little or no refreshing, my strength failed, and my spirits were almost quite gone. Now may I say as David, Psal. cix. 22, 23, 24, "I am poor and needy, and my heart is wounded within me. I am gone like the shadow when it declineth: I am tossed up and down like the locust: my knees are weak through fasting, and my flesh faileth of fatness." At night we came to an Indian town, and the Indians sate down by a wigwam discoursing, but I was almost spent, and could scarce speak. I laid down my load, and went into the wigwam, and there sate an Indian boiling of horses feet: (they being wont to eat the flesh first, and when the feet were old and dried, and they had nothing else, they would cut off the feet and use them.) I asked him to give me a little of his broth, or water they were boiling in: he took a dish, and gave me one spoonful of samp, and bid me take as much of the broth as I would. Then I put some of the hot water to the samp, and drank it up, and my spirit came again. He gave me also a piece of the ruffe or ridding of the small guts, and I broiled it on the coals; and now may I say with Jonathan, "See, I pray you, how mine eyes have been enlightened, because I tasted a little of this honey," 1 Sam. xiv. 29. Now is my spirit revived again: though means be never so inconsiderable, yet if the Lord bestow his blessing upon them, they shall refresh both soul and body.

The eighteenth Remove.—We took up our packs, and along we went; but a wearisome day I had of it. As we went along, I saw an English-man stript naked, and lying dead upon the ground, but knew not who it was. Then we came to another Indian town, where we stayed all night: In this town there were four English children, captives: and one of them my own sister's: I went to see how she did, and she was well, considering her captive condition. I would have tarried that night with her,

but they that owned her would not suffer it. Then I went to another wigwam, where they were boiling corn and beans, which was a lovely sight to see; but I could not get a taste thereof. Then I went into another wigwam, where there were two of the English children: The squaw was boiling horses feet; then she cut me off a little piece, and gave one of the English children a piece also: Being very hungry, I had quickly eat up mine; but the child could not bite it, it was so tough and sinewy, but lay sucking, gnawing, chewing, and slobbering it in the mouth and hand; then I took it of the child, and eat it myself; and savoury it was to my taste.

That I may say as Job, chap. vi. 7, "The things that my soul refused to touch are as my sorrowful meat." Thus the Lord made that pleasant and refreshing which another time would have been an abomination. Then I went home to my mistress's wigwam; and they told me I disgraced my master with begging; and if I did so any more they would knock me on the head: I told them, they had as good knock me on the head as starve me to death.

The nineteenth Remove.—They said when we went out, that we must travel to Wachuset this day: But a bitter weary day I had of it; travelling now three dayes together, without resting any day between. At last, after many weary steps, I saw Wachuset hills, but many miles off. Then we came to a great swamp, through which we travelled up to the knees in mud and water; which was heavy going to one tired before: Being almost spent, I thought I should have sunk down at last, and never got out; but I may say, as in Psal. xciv. 18, "When my foot slipped, thy mercy, O Lord, held me up." Going along, having indeed my life, but little spirit, Philip, (who was in the company) came up, and took me by the hand, and said, "Two weeks more, and you shall be mistress again." I asked him if he spake true? he answered, yes, and quickly you shall come to your master again, who had been gone from us three weeks. After many weary steps we came to Wachuset, where he was; and glad I was to see him. He asked me, when I washt me? I told him not this moneth; then he fetch me some water himself, and bid me wash, and gave me the glass to see how I lookt, and bid his squaw give me something to eat: So she gave me a mess of beans and meat, and a little ground-nut cake. I was wonderfully revived with this favour shewed me, Psal. cvi. 46, "He made them also to be pitied of all those that carried them captives."

My master had three squaws, living sometimes with one, and sometimes with another: One, this old squaw at whose wigwam I was, and with whom my master had been those three weeks: Another was Wettimore, with whom I had lived and served all this while: A severe and proud dame she was; bestowing every day in dressing herself near as much time as any of the gentry of the land; powdering her hair and painting her face, going with her neck-laces, with jewels in her ears, and bracelets upon her hands: When she had dressed herself, her work was to make girdles of wampom and beads. The third squaw was a younger one, by whom he had two papooses. By that time I was refresht by the old squaw, with whom my master was, Wettimore's maid came to call me home, at which I fell a-weeping; then the old squaw told me, to encourage me, that if I wanted victuals I should come to her, and that I should lye there in her wigwam. Then I went with the maid, and quickly came again and lodged there. The squaw laid a mat under me and a good rugg over me; the first time I had any such kindness shewed me. I understood that Wettimore thought, that if she should let me go and serve with the old squaw she would be in danger to lose not only my service, but the redemption-pay also: And I was not a little glad to hear this, being by it raised in my hopes, that in God's due time there would be an end of this sorrowful hour. Then came an Indian, and asked me to knit him three pair of stockings, for which I had a hat and a silk handkerchief. Then another asked me to make her a shift, for which she gave me an apron.

Then came Tom and Peter, with the second letter from the council about the captives. Though they were Indians, I gat them by the hand, and burst out into tears; my heart was so full that I could not speak to them: But recovering myself, I asked them how my husband did, and all my friends and acquaintance? they said, they were well, but very melancholy. They brought me two biskets and a pound of tobacco; the tobacco I quickly gave away; when it was all gone, one asked me to give him a pipe of tobacco; I told him all was gone; then began he to rant and to threaten; I told him when my husband came I would give him some: Hang him, rogue, (says he) I will knock out his brains if he comes here. And then again, in the same breath, they would say, that if there should come an hundred without guns they would do them no hurt. So unstable and like madmen they were: So that, fearing the worst, I durst not send to my husband, though there were some thoughts of his coming to redeem and fetch me, not knowing what might follow; for there was little more to trust them than to the master they served. When the letter was come, the Saggamores met to consult about the captives; and called me to them to enquire how much my husband would give to redeem me: When I came, I sate down among them, as I was wont to do, as their manner is: Then they bade me stand up, and said, they were the General Court: They bid me speak what I thought he would give. Now, knowing that all we had was destroyed by the Indians, I was in a great strait. I thought if I should speak of but little it would be slighted, and hinder the matter; if of a great sum, I knew not where it would be procured; yet at a venture, I said twenty pounds, yet desired them to take less; but they would not hear of that, but sent that message to Boston, that for twenty pounds I should be redeemed. It was a praying Indian that wrote their letter for them. There was another praying Indian, who told me, that he had a brother that would not eat horse, his conscience was so tender and scrupulous, (though as large as hell for the destruction of poor Christians.) Then he said, he read that scripture to him, 2 King. vi. 25, "There was a famine in Samaria, and behold they besieged it, until an ass's head was sold for four-score pieces of silver, and the fourth part of a kab of doves dung for five pieces of silver." He expounded this place to his brother, and shewed him that it was lawful to eat that in a famine, which is not at another time. And now, says he, he will eat horse with any Indian of them all. There was another praying Indian, who, when he had done all the mischief that he could, betrayed his own father into the Englishes hands, thereby to purchase his own life. Another praying Indian was at Sudbury fight, though, as he deserved, he was afterward hanged for it. There was another praying Indian, so wicked and cruel, as to wear a string about his neck strung with Christian fingers. Another praying Indian, when they went to Sudbury fight, went with them, and his squaw also with him, with her papoos at her back: Before they went to that fight, they got a company together to Powaw: the manner was as followeth: There was one that kneeled upon a deer-skin, with the company round him in a ring, who kneeled, striking upon the ground with their hands and with sticks, and muttering or humming with their mouths. Besides him who kneeled in the ring, there also stood one with a gun in his hand: Then he on the deer-skin made a speech, and all manifested assent to it; and so they did many times together. Then they bade him with the gun go out of the ring, which he did; but when he was out they called him in again; but he seemed to make a stand; then they called the more earnestly, till he returned again. Then they all sang. Then they gave him two guns, in either hand one. And so he on the deer-skin began again; and at the end of every sentence in his speaking they all assented, humming or muttering with their mouths, and striking upon the ground with their hands. Then they bade him with the two guns go out of the ring again; which he did a little way. Then they called him in again, but he made a stand, so they called him with greater earnestness; but he stood reeling and wavering, as if he knew not whether he should stand

or fall, or which way to go. Then they called him with exceeding great vehemency, all of them, one and another: after a little while, he turned in, staggering as he went, with his arms stretched out; in either hand a gun. As soon as he came in, they all sang and rejoyced exceedingly a while. And then he upon the deer-skin made another speech, unto which they all assented in a rejoycing manner: And so they ended their business, and forthwith went to Sudbury fight. To my thinking, they went without any scruple but that they should prosper and gain the victory; and they went out not so rejoycing, but that they came home with as great a victory. For they said they had killed two captains and almost an hundred men. One Englishman they brought alive with them; and he said it was too true, for they had made sad work at Sudbury; as indeed it proved. Yet they came home without that rejoycing and triumphing over their victory which they were wont to shew at other times; but rather like dogs (as they say) which have lost their ears: Yet I could not perceive that it was for their own loss of men: they said they had not lost above five or six; and I missed none, except in one wigwam. When they went, they acted as if the devil had told them that they should gain the victory; and now they acted as if the devil had told them that they should have a fall: Whether it were so or no, I cannot tell, but so it proved; for quickly they began to fall, and so held on that summer, till they came to utter ruine. They came home on a Sabbath day; and the powaw that kneeled upon the deer skin came home (I may say without any abuse) as black as the devil. When my master came home, he came to me and bid me make a shirt for his papoos of a hollandlaced pillowbeer. About that time there came an Indian to me, and bade me come to his wigwam at night, and he would give me some pork and ground-nuts; which I did, and as I was eating, another Indian said to me, he seems to be your good friend, but he killed two English-men at Sudbury, and there lye their cloaths behind you: I looked behind me, and there I saw bloody cloaths, with bullet-holes in them: yet the Lord suffered not this wretch to do me any hurt. Yea, instead of that, he many times refresht me: five or six times did he and his squaw refresh my feeble carcass. If I went to their wigwam at any time, they would always give me something; and yet they were strangers that I never saw before. Another squaw gave me a piece of fresh pork and a little salt with it; and lent me her frying pan to fry it in: and I cannot but remember what a sweet, pleasant, and delightful relish that bit had to me, to this day. So little do we prize common mercies when we have them to the full.

The twentieth Remove.—It was their usual manner to remove when they had done any mischief, lest they should be found out; and so they did at this time. We went about three or four miles, and there they built a great wigwam, big enough to hold an hundred Indians; which they did in preparation to a great day of dancing. They would say now amongst themselves, that the governour would be so angry for his loss at Sudbury, that he would send no more about the captives; which made me grieve and tremble. My sister being not far from the place where we now were, and hearing that I was here, desired her master to let her come and see me, and he was willing to it, and would go with her; but she being ready before him, told him she would go before, and was come within a mile or two of the place: Then he overtook her, and began to rant as if he had been mad, and made her go back again in the rain; so that I never saw her till I saw her in Charlstown. But the Lord requited many of their illdoings; for this Indian, her master, was hanged after at Boston. The Indians now began to come from all quarters against the merry dancing day. Amongst some of them came one goodwife Kettle: I told her that my heart was so heavy that it was ready to break: so is mine too, said she; but yet said, I hope we shall hear some good news shortly. I could hear how earnestly my sister desired to see me, and I as earnestly desired to see her, and yet neither of us could get an opportunity. My daughter was also now but about a mile off; and I had not seen her in nine or ten weeks,

as I had not seen my sister since our first taking. I earnestly desired them to let me go and see them: yea, I intreated, begged, and perswaded them but to let me see my daughter; and yet so hard-hearted were they, that they would not suffer it. They made use of their tyrannical power whilst they had it: but through the Lord's wonderful mercy, their time now was but short.

On a Sabbath day, the sun being about an hour high, in the afternoon, came Mr John Hoar, (the council permitting him, and his own forward spirit inclining him) together with the two forementioned Indians, Tom and Peter, with the third letter from the council. When they came near, I was abroad; though I saw them not, they presently called me in, and bade me sit down, and not stir. Then they catched up their guns, and away they ran, as if an enemy had been at hand; and the guns went off apace. I manifested some great trouble, and they asked me what was the matter? I told them I thought they had killed the English-man, (for they had in the meantime informed me that an English-man was come;) they said no; they shot over his horse, and under, and before his horse, and they pusht him this way and that way at their pleasure, shewing what they could do: Then they let them come to their wigwams. I begged of them to let me see the English-man, but they would not; but there was I fain to sit their pleasure. When they had talked their fill with him, they suffered me to go to him. We asked each other of our welfare, and how my husband did, and all my friends? he told me they were all well, and would be glad to see me. Amongst other things which my husband sent me, there came a pound of tobacco; which I sold for nine shillings in money: for many of the Indians, for want of tobacco, smoaked hemlock and ground-ivy. It was a great mistake in any who thought I sent for tobacco: for, through the favour of God, that desire was overcome. I now asked them, whether I should go home with Mr Hoar? they answered, No, one and another of them: and it being night, we lay down with that answer: in the morning Mr Hoar invited the Saggamores to dinner: but when we went to get it ready, we found that they had stollen the greatest part of the provision Mr Hoar had brought out of the bags in the night. And we may see the wonderful power of God, in that one passage, in that when there was such a great number of the Indians together, and so greedy of a little good food, and no English there, but Mr Hoar and myself, that there they did not knock us in the head, and take what we had; there being, not only some provision, but also trading cloth, a part of the twenty pounds agreed upon: But instead of doing us any mischief, they seemed to be ashamed of the fact, and said, it were some Matchit Indians that did it. O that we could believe that there is nothing too hard for God! God shewed his power over the heathen in this, as he did over the hungry lions when Daniel was cast into the den. Mr Hoar called them betime to dinner; but they ate very little, they being so busie in dressing themselves, and getting ready for their dance; which was carried on by eight of them, four men and four squaws, my master and mistress being two. He was dressed in his holland shirt, with great laces sewed at the tail of it; he had his silver buttons, his white stockings, his garters were hung round with shillings; and he had girdles of wampom upon his head and shoulders. She had a kersey coat, and covered with girdles of wampom from the loins and upward; her arms, from her elbows to her hands, were covered with bracelets; there were handfuls of neck-laces about her neck, and several sorts of jewels in her ears: She had fine red stockings and white shoes, her hair powdered, and her face painted red, that was always before black; and all the dancers were after the same manner. There were two other singing and knocking on a kettle for their musick. They kept hopping up and down one after another, with a kettle of water in the midst, standing warm upon some embers, to drink of when they were a-dry. They held on till it was almost night, throwing out wampom to the standers-by. At night I asked them again if I should go home? they all as one said, No, except my husband would

come for me. When we were lain down, my master went out of the wigwam, and by and by sent in an Indian, called James, the printer, who told Mr Hoar, that my master would let me go home to morrow, if he would let him have one pint of liquors. Then Mr Hoar called his own Indians, Tom and Peter, and bid them all go and see whether he would promise it before them three; and if he would, he should have it; which he did, and had it. Then Philip smelling the business, called me to him, and asked me what I would give him to tell me some good news, and to speak a good word for me, that I might go home to morrow? I told him I could not tell what to give him: I would give any thing I had, and asked him what he would have? He said, two coats and twenty shillings in money, and half a bushel of seed-corn and some tobacco: I thanked him for his love; but I knew the good news as well as that crafty fox. My master, after he had had his drink, quickly came ranting into the wigwam again, and called for Mr Hoar, drinking to him, and saying he was a good man; and then again he would say, Hang him, rogue. Being almost drunk, he would drink to him, and yet presently say he should be hanged. Then he called for me; I trembled to hear him, yet I was fain to go to him; and he drunk to me, shewing no incivility. He was the first Indian I saw drunk all the while that I was amongst them. At last his squaw ran out, and he after her, round the wigwam, with his money gingling at his knees: but she escaped him; but, having an old squaw, he ran to her; and so, through the Lord's mercy, we were no more troubled with him that night: Yet I had not a comfortable night's rest; for I think I can say, I did not sleep for three nights together. The night before the letter came from the council, I could not rest, I was so full of fears and troubles, (God many times leaving us most in the dark when deliverance is nearest) yea, at this time I could not rest night nor day. The next night I was over-joyed, Mr Hoar being come, and that with such good tydings. The third night I was even swallowed up with the thoughts of things; viz. that ever I should go home again; and that I must go, leaving my children behind me in the wilderness; so that sleep was now almost departed from mine eyes.

On Tuesday morning they called their general court (as they stiled it) to consult and determine whether I should go home or no: And they all as one man did seemingly consent to it, that I should go home, except Philip, who would not come among them.

But before I go any further, I would take leave to mention a few remarkable passages of Providence, which I took special notice of in my afflicted time.

1. Of the fair opportunity lost in the long march, a little after the fort-fight, when our English army was so numerous, and in pursuit of the enemy; and so near as to overtake several and destroy them; and the enemy in such distress for food, that our men might track them by their rooting in the earth for ground-nuts, whilst they were flying for their lives: I say, that then our army should want provision, and be forced to leave their pursuit, and return homeward; and the very next week the enemy came upon our town like bears bereft of their whelps, or so many ravenous wolves, rending us and our lambs to death. But what shall I say? God seemed to leave his people to themselves, and ordered all things for his own holy ends. "Shall there be evil in the city and the Lord hath not done it? They are not grieved for the affliction of Joseph, therefore they shall go captive with the first that go captive. It is the Lord's doing, and it should be marvellous in our eyes."

2. I cannot but remember how the Indians derided the slowness and dulness of the English army in its setting out: For, after the desolations at Lancaster and Medfield, as I went along with them, they asked me when I thought the English army would come after them? I told them I could not tell: it may be they will come in May, said they. Thus did they scoffe at us, as if the English would be a quarter of a year getting ready.

3. Which also I have hinted before; when the English army with new supplies were sent forth to pursue after the enemy, and they understanding it, fled before them till they came to Baquaug river, where they forthwith went over safely: that that river should be impassable to the English, I cannot but admire to see the wonderful providence of God in preserving the heathen for farther affliction to our poor country. They could go in great numbers over, but the English must stop: God had an overruling hand in all those things.

4. It was thought, if their corn were cut down, they would starve and die with hunger: and all their corn that could be found was destroyed, and they driven from that little they had in store into the woods in the midst of winter; and yet how to admiration did the Lord preserve them for his holy ends, and the destruction of many still amongst the English! strangely did the Lord provide for them, that I did not see (all the time I was among them) one man, or woman, or child, die with hunger.

Though many times they would eat that that a hog or a dog would hardly touch, yet by that God strengthened them to be a scourge to his people.

Their chief and commonest food was ground-nuts; they eat also nuts and acorns, hartychoaks, lilly-roots, ground-beans, and several other weeds and roots that I know not.

They would pick up old bones, and cut them in pieces at the joynts, and if they were full of worms and magots, they would scald them over the fire to make the vermine come out, and then boyle them, and drink up the liquor, and then beat the great ends of them in a mortar, and so eat them. They would eat horses guts and ears, and all sorts of wild birds which they could catch; also bear, venison, beavers, tortois, frogs, squirrels, dogs, skunks, rattle-snakes, yea, the very barks of trees, besides all sorts of creatures and provision which they plundered from the English. I cannot but stand in admiration to see the wonderful power of God, in providing for such a vast number of our enemies in the wilderness, where there was nothing to be seen but from hand to mouth. Many times in the morning the generality of them would eat up all they had, and yet have some farther supply against they wanted. It is said, Psal. lxxxi. 13, 14, "Oh that my people had hearkened to me, and Israel had walked in my wayes, I should soon have subdued their enemies, and turned my hand against their advérsaries." But now our perverse and evil carriages in the sight of the Lord have so offended him, that, instead of turning his hand against them, the Lord feeds and nourishes them up to be a scourge to the whole land.

5. Another thing that I would observe is, the strange providence of God in turning things about when the Indians were at the highest, and the English at the lowest. I was with the enemy eleven weeks and five days; and not one week passed without the fury of the enemy, and some desolation by fire and sword upon one place or other. They mourned (with their black faces) for their own losses; yet triumphed and rejoyced in their inhumane (and many times devilish cruelty) to the English. They would boast much of their victories; saying, that in two hours time, they had destroyed such a captain and his company in such a place; and such a captain and his company in such a place; and such a captain and his company in such a place: and boast how many towns they had destroyed, and then scoff, and say, they had done them a good turn to send them to heaven so soon. Again they would say, this summer they would knock all the rogues in the head, or drive them into the sea, or make them flie the country: thinking surely, Agag-like, "The bitterness of death is past." Now the heathen begin to think that all is their own, and the poor Christians hopes to fail (as to man) and now their eyes are more to God, and their hearts sigh heaven-ward; and to say in good earnest, "Help, Lord, or we perish;" when the Lord had brought his people to this, that they saw no help in any thing but himself, then he takes the quarrel into his own hand; and though they had made a pit (in their own imaginations) as deep

as hell for the Christians that summer, yet the Lord hurl'd themselves into it. And the Lord had not so many wayes before to preserve them, but now he hath as many to destroy them.

But to return again to my going home, where we may see a remarkable change of Providence: At first they were all against it, except my husband would come for me; but afterwards they assented to it, and seemed much to rejoyce in it; some asking me to send them some bread, others some tobacco, others shaking me by the hand, offering me a hood and scarf to ride in; not one moving hand or tongue against it. Thus hath the Lord answered my poor desires, and the many requests of others put up unto God for me. In my travels an Indian came to me, and told me, if I were willing, he and his squaw would run away, and go home along with me. I told him, No, I was not willing to run away, but desired to wait God's time, that I might go home quietly, and without fear. And now God hath granted me my desire. O the wonderful power of God that I have seen, and the experiences that I have had! I have been in the midst of those roaring lions and savage bears, that feared neither God nor man, nor the devil, by night and day, alone and in company, sleeping all sorts together, and yet not one of them ever offered the least abuse of unchastity to me in word or action. Though some are ready to say I speak it for my own credit; but I speak it in the presence of God, and to his glory. God's power is as great now, and as sufficient to save, as when he preserved Daniel in the lions den, or the three children in the fiery furnace. I may well say, as he, Psal. cvii. 1, 2, "Oh give thanks unto the Lord, for he is good, for his mercy endureth for ever. Let the redeemed of the Lord say so, whom he hath redeemed from the hand of the enemy;" especially that I should come away in the midst of so many hundreds of enemies quietly and peaceably, and not a dog moving his tongue. So I took leave of them, and in coming along my heart melted into tears, more than all the while I was with them, and I was almost swallowed up with the thoughts that ever I should go home again. About the sun's going down, Mr Hoar and myself, and the two Indians, came to Lancaster; and a solemn sight it was to me. There had I lived many comfortable years amongst my relations and neighbours; and now not one Christian to be seen, nor one house left standing. We went on to a farm-house that was yet standing, where we lay all night; and a comfortable lodging we had, though nothing but straw to lye on. The Lord preserved us in safety that night, and raised us again in the morning, and carried us along, that before noon we came to Concord. Now was I full of joy, and yet not without sorrow: joy to see such a lovely sight, so many Christians together, and some of them my neighbours: There I met with my brother, and my brother-in-law, who asked me, if I knew where his wife was? Poor heart! he had helped to bury her, and knew it not; she being shot down by the house, was partly burnt: so that those who were at Boston at the desolation of the town, and came back afterward, and buried the dead, did not know her. Yet I was not without sorrow, to think how many were looking and longing, and my own children amongst the rest, to enjoy that deliverance that I had now received; and I did not know whether ever I should see them again. Being recruited with food and raiment, we went to Boston that day, where I met with my dear husband; but the thoughts of our dear children, one being dead, and the other we could not tell where, abated our comfort each in other. I was not before so much hemm'd in with the merciless and cruel heathen, but now as much with pitiful, tender-hearted, and compassionate Christians. In that poor, and distressed, and beggarly condition, I was received in, I was kindly entertained in several houses: so much love I received from several, (some of whom I knew, and others I knew not,) that I am not capable to declare it. But the Lord knows them all by name: the Lord reward them seven-fold into their bosoms of his spirituals for their temporals. The twenty pounds, the price of my redemption, was raised by some Boston gentlewomen, and M. Usher,

whose bounty and religious charity I would not forget to make mention of. Then Mr Thomas Shepherd of Charlstown received us into his house, where we continued eleven weeks; and a father and mother they were unto us. And many more tender-hearted friends we met with in that place. We were now in the midst of love, yet not without much and frequent heaviness of heart for our poor children and other relations who were still in affliction.

The week following, after my coming in, the governour and council sent forth to the Indians again, and that not without success, for they brought in my sister and goodwife Kettle; their not knowing where our children were was a sore trial to us still, and yet we were not without secret hopes that we should see them again. That which was dead lay heavier upon my spirit than those which were alive amongst the heathen, thinking how it suffered with its wounds, and I was no way able to relieve it; and how it was buried by the heathen in the wilderness, from amongst all Christians. We were hurried up and down in our thoughts; sometimes we should hear a report that they were gone this way and sometimes that; and that they were come in in this place or that; we kept inquiring and listning to hear concerning them, but no certain news as yet. About this time the council had ordered a day of publick thanksgiving, though I thought I had still cause of mourning; and being unsettled in our minds, we thought we would ride toward the eastward, to see if we could hear any thing concerning our children. And as we were riding along (God is the wise disposer of all things) between Ipswich and Rowly we met with Mr William Hubbard, who told us our son Joseph was come in to Major Waldrens, and another with him, which was my sister's son. I asked him how he knew it? he said, the major himself told me so. So along we went till we came to Newbury; and their minister being absent, they desired my husband to preach the thanksgiving for them; but he was not willing to stay there that night, but would go over to Salisbury to hear farther, and come again in the morning; which he did, and preached there that day. At night, when he had done, one came and told him that his daughter was come in at Providence: here was mercy on both hands. Now hath God fulfilled that precious scripture, which was such a comfort to me in my distressed condition. When my heart was ready to sink into the earth, (my children being gone I could not tell whither) and my knees trembled under me, and I was walking through the valley of the shadow of death; then the Lord brought, and now has fulfilled that reviving word unto me; "Thus saith the Lord, Refrain thy voice from weeping, and thy eyes from tears, for thy work shall be rewarded, saith the Lord, and they shall come again from the land of the enemy." Now we were between them, the one on the east, and the other on the west; our son being nearest we went to him first, to Portsmouth; where we met with him, and with the major also, who told us he had done what he could, but could not redeem him under seven pounds, which the good people thereabouts were pleased to pay. The Lord reward the major and all the rest, though unknown to me, for their labour of love. My sister's son was redeemed for four pounds, which the council gave order for the payment of. Having now received one of our children, we hastened towards the other; going back through Newbury, my husband preached there on the Sabbath day, for which they rewarded him manifold.

On Monday we came to Charlstown, where we heard that the governour of Road-Island had sent over for our daughter to take care of her, being now within his jurisdiction, which should not pass without our acknowledgments. But she being nearer Rehoboth than Road-Island, Mr Newman went over and took care of her, and brought her to his own house. And the goodness of God was admirable to us in our low estate, in that he raised up compassionate friends on every side to us, when we had nothing to recompence any for their love. The Indians were now gone that way, that it was apprehended dangerous to go to her; but the carts which carried provision to

the English army being guarded, brought her with them to Dorchester, where we received her safe; blessed be the Lord for it, "for great is his power, and he can do whatsoever seemeth him good." Her coming in was after this manner: She was travelling one day with the Indians with her basket at her back; the company of Indians were got before her, and gone out of sight, all except one squaw; she followed the squaw till night, and then both of them lay down, having nothing over them but the heavens, nor under them but the earth. Thus she travelled three days together, not knowing whither she was going, having nothing to eat or drink but water and green hirtleberries. At last they came into Providence, where she was kindly entertained by several of that town. The Indians often said that I should never have her under twenty pounds, but now the Lord hath brought her in upon free cost, and given her to me the second time. The Lord make us a blessing indeed each to others. Now have I seen that scripture also fulfilled, Deut. xxx. 4, 7, "If any of thine be driven out to the utmost parts of heaven, from thence will the Lord thy God gather thee, and from thence will he fetch thee. And the Lord thy God will put all these curses upon thine enemies, and on them which hate thee, which persecuted thee." Thus hath the Lord brought me and mine out of that horrible pit, and hath set us in the midst of tender-hearted and compassionate Christians. 'Tis the desire of my soul that we may walk worthy of the mercies received, and which we are receiving.

Our family being now gathered together, (those of us that were living) the south church in Boston hired an house for us; then we removed from Mr Shepards (those cordial friends) and went to Boston, where we continued about three quarters of a year; still the Lord went along with us, and provided graciously for us. I thought it somewhat strange to set up house-keeping with bare walls; but, as Solomon says, "Money answers all things," and that we had, through the benevolence of Christian friends, some in this town and some in that, and others, and some from England, that in a little time we might look and see the house furnished with love. The Lord hath been exceeding good to us in our low estate, in that when we had neither house nor home, nor other necessaries, the Lord so moved the hearts of these and those towards us, that we wanted neither food nor rayment for ourselves or ours, Prov. xviii. 24. "There is a friend that sticketh closer than a brother." And how many such friends have we found, and now living amongst! and truly such a friend have we found him to be unto us, in whose house we lived, viz. Mr James Whitcomb, a friend unto us near hand and afar off.

I can remember the time, when I used to sleep quietly without workings in my thoughts, whole nights together; but now it is otherwise with me. When all are fast about me, and no eye open but His who ever waketh, my thoughts are upon things past, upon the awful dispensations of the Lord towards us; upon his wonderful power and might in carrying us through so many difficulties, in returning us in safety, and suffering none to hurt us. I remember in the night season, how the other day I was in the midst of thousands of enemies, and nothing but death before me; it was then hard work to persuade myself that ever I should be satisfied with bread again. But now we are fed with the finest of the wheat, and (as I may so say) with honey out of the rock; instead of the husks, we have the fatted calf; the thoughts of these things in the particulars of them, and of the love and goddness of God towards us, make it true of me, what David said of himself, Psal. vi. 6, "I water my couch with my tears." Oh the wonderful power of God that mine eyes have seen, affording matter enough for my thoughts to run in, that when others are sleeping mine eyes are weeping.

I have seen the extreme vanity of this world; one hour I have been in health and wealth, wanting nothing; but the next hour in sickness, and wounds, and death, having nothing but sorrow and affliction.

Before I kew what affliction meant I was ready sometimes to wish for it. When

I lived in prosperity, having the comforts of this world about me, my relations by me, and my heart chearful, and taking little care for any thing, and yet seeing many (whom I preferred before myself) under many trials and afflictions, in sickness, weakness, poverty, losses, crosses, and cares of the world, I should be sometimes jealous least I should have my portion in this life, and that scripture would come to my mind, Heb. xii. 6, "For whom the Lord loveth he chasteneth, and scourgeth every son whom he receiveth;" but now I see the Lord had his time to scourge and chasten me. The portion of some is to have their affliction by drops, now one drop and then another; but the dregs of the cup, the wine of astonishment, like a sweeping rain that leaveth no food, did the Lord prepare to be my portion. Affliction I wanted, and affliction I had, full measure, (I thought) pressed down and running over; yet I see when God calls a person to any thing, and through never so many difficulties, yet he is fully able to carry them through, and make them see and say they have been gainers thereby. And I hope I can say in some measure as David did, "It is good for me that I have been afflicted." The Lord hath shewed me the vanity of these outward things, that they are the "vanity of vanities, and vexation of spirit;" that they are but a shadow, a blast, a bubble, and things of no continuance; that we must rely on God himself, and our whole dependence must be upon him. If trouble from smaller matters begin to arise in me, I have something at hand to check myself with, and say when I am troubled, it was but the other day, that if I had had the world, I would have given it for my freedom, or to have been a servant to a Christian I have learned to look beyond present and smaller troubles, and to be quieted under them, as Moses said, Exod. xiv. 13, "Stand still, and see the salvation of the Lord."

FINIS.

A Sermon preached at Weathersfield, Nov. 21, 1678. *By Mr Joseph Rowlandson, it being a Day of Fasting and Humiliation.*

The Preface.

To the Courteous Reader, especially the Inhabitants of the Town of Weathersfield, and Lancaster, in New-England.

God's forsaking of such as he hath been near to is a thing of such weight and solemnity, and hath such bitter effects, that it is a meet subject (especially in a dark and mourning day) for ministers to speak to, and for people to hear of, that the one may warn of the danger and the other avoid the judgment. As God's presence is the greatest glory to a people on this side heaven, so his absence is the greatest misery on this side hell; this therefore must needs be a concerning point to such as will concern themselves in their concernments. The ensuing sermon will appear a solemn word if duly considered; the subject matter is very solemn and weighty, (treating of God's being with or forsaking a people) the time when it was delivered was a solemn time, (a day of fast throughout the colonies) the reverend author that composed and preached it was one solemn and serious above many others, and that which adds one great circumstance to its solemnity is, in that it was the last word he spake to the world, being but about two days before he left it. As it is solemn, so it is seasonable and pertinent. It is a time wherein we have given God just cause to forsake us, a time where-

in God is threatning to forsake us; a time wherein God hath in some measure forsaken us already, and what can be more seasonable than to shew the evils that befall a forsaken people, that we may yet be awakened and return, that the Lord may not forsake us utterly.

As for the reverend author, there needs nothing to be said in his commendation; he was known amongst the churches in the wilderness, and known to be a workman that needed not to be ashamed. That his name (which was sometimes precious amongst those that knew him) may not be forgot, and that being dead, he may yet speak to a land that have in some measure forsook their God, and are in danger of being forsaken, is the ground-work of the publishing this small part of his labours. It is commended especially to the perusal of the inhabitants of Lancaster and Weathersfield he was a man well known to you, the one had his life, the other had his death, and both his loss; you cannot easily forget his name, and 'tis desired that you may not forget the labour and travel he hath had amongst you; the word which he preached to you was acceptable whilst he was living, and it is presumed it will be accepted with the like candour now he is dead. Indeed, had it been intended and fitted by himself for the press, you might have expected and found it more large and polished; but as it is, it is thought fit not to be lost, and may be of great use and benefit, to open to us the danger of forsaking God, to humble us for all our coolings and declinings from God, to quicken us in our return to and close walking with God. And that it may attain this end, is the heart's desire and prayer of him who abundantly wishes thy welfare and prosperity in Christ Jesus.

B. W.

Jeremiah, xxiii. 33.

And when this People, or the Prophet, or a Priest, shall ask thee, saying, What is the burden of the Lord? thou shalt then say unto them, What burden? I will even forsake you, saith the Lord.

In the words there lies before us, first, a question supposed to be propounded, wherein there is two things: 1. The questionists, this people, or a prophet, or a priest. 2. The question itself, or the matter of it, "What is the burden of the Lord?" Secondly, There is an answer, and a solemn answer too, which is put into his mouth by the Lord, and which he is to return as the Lord's answer to the question; "Thou shalt then say unto them, What burden? I will even forsake you, saith the Lord."

In which answer there is three things:

1. An expression of indignation, "What burden?"
2. An assertion, by way of answer to the question, "I will forsake you."
3. A seal of ratification in the last words, "Saith the Lord."

God having before dealt with the pastors that did destroy and scatter the flock, as in the beginning of the chapter, "Wo be to the pastors that destroy and scatter the sheep of my pasture," and ver. 2, "I will visit upon you the evil of your doings, saith the Lord:" and also with the false prophets, "that prophesie lies in his name," as ver. 9, "My heart within me is broken because of all the prophets," and ver. 32, "Behold I am against them that prophesie false dreams, saith the Lord, and do tell them, and cause my people to erre by their lies, and by their lightness;" which sort of prophets went without their commission, as ver. 21, "I have not sent these prophets, yet they ran." He proceeds from the head rulers to the people that were seduced by them; for by this means their hands were strengthened in sin, so as that they did not return from their wickedness, as ver. 14. It was an usual thing for the prophets of the Lord to begin their sermons (the matter whereof was minatory, wherein the Lord threatned them

with just judgements) with that phrase, "The burden of the Lord," as will easily appear if you consult, Isa. xiii. 1. and xv. 1. and xxii. 1 and xxx. 6. Now they do, in the words of the text, or are supposed in mockery to demand, what burden he had from the Lord for them?

For the opening of the words, *And*, or *moreover*, because he enters upon new matter; "this people," or the prophane sort of them, whom the false prophets had seduced; to which he joyns the prophet and the priest in that they were alike prophane, as ver. 11, "for both prophet and priest are prophane, yea in my house," saith the Lord; and when prophets are prophane there is wont to be a pack of them, as Jer. v. 31, "The prophets prophesie falsely, and the priests bear rule by their means, and my people love to have it so;" shall ask thee, saying, viz. in a deriding way, not out of a holy end, or desire, "What is the burden of the Lord? or from the Lord?" so were the prophecies stiled that contained in them "threatnings, judgments, and plagues," 2 Kings, ix. 25, as if they had said, "What, hast thou further mischief in thy head to declare? further woes and threatnings to pronounce? hast thou nothing else to prophesie but mischief and calamity? What is the burden now?" Thou shalt then say unto them, the Lord knew what they would say to him, and tells him what he should say, by way of reply, "What burden?" a retorting by way of holy indignation; ask ye indeed, "what burden?" and that in a way of derision; are you of that strain and spirit? I will even forsake you, saith the Lord; a burden heavy enough, and you are like to feel it so ere long, heavy enough to break your backs, to break your church, and your commonwealth, and to sink your haughty spirits, when this burden shall come upon you, in its force and weight.

Doct. *That the Lord may even forsake a people that have been near to him, and he hath been near to, though for the Lord thus to do is as fearful and hideous a judgment as can be inflicted on any people.*

The doctrine is double, it hath two parts:

First, That the Lord may do thus.

Secondly, When he doth, it is a very sad and heavy burden. It may be prosecutd as two distinct points.

1. God may forsake a people that hath been near to him, and that he hath been near to. This may be spoken to in this order.

1. What is meant by God's forsaking a people?

2. How may it appear that God may forsake even such a people as the point speaks of?

3. The reasons.

4. The use.

1. What doth God's forsaking mean? what is intended thereby?

Sol. It means God's withdrawing himself, as the prophet Hosea phrases it, Hos. v. 6, "They shall go with their flocks and their herds to seek the Lord, but shall not find him, he hath withdrawn himself from them." They shall seek him and not find him, and there is a good reason, he hath withdrawn himself, he is gone, in respect of his gracious presence. We must here distinguish betwixt God's general presence and his precious presence. In respect of his general presence, he is not far from any of us, "for in him we live, and move, and have our being," Acts xvii. 27, 28. We have not only our beginning from, but our being in him, as the beam hath its being in the sun. Of this general presence of God, we read, Psal. cxxxix. 7. There is no flying from it. "Whither shall I go from thy spirit; or whither shall I flie from thy presence?" In this sense God is every where, as it is ver. 8 and 9, "If I ascend up into heayen, thou art there; if I make my bed in hell, behold thou art there." He fills heaven and earth, and there is no hiding from him, Jer. xxiii. 24,

"Can any hide himself in secret places, that I shall not see him? saith the Lord: do not I fill heaven and earth? saith the Lord." He hath heaven for his throne, and the earth for his footstool, as it is, Isa. lxvi. 1. This general presence of God, if believingly apprehended and strongly believed, might be of great use.

But it is not this general presence that is meant, but his especial presence, his favourable and gracious presence, the removing whereof is that, that is intended by the forsaking, that the text and point speaks of. God is said to forsake a people two wayes:

1. As to affection.
2. As to action.

1. As to affection, when he discontinues his love to them; when he takes away his love from a people, then he takes his leave of a people; "My mind is not toward this people," Jer. xv. 1,—a very heavy judgment, and sad removal. "Be instructed, O Jerusalem, lest my soul depart from thee."

2. As to action, when God takes away the signs of his presence.

1. When he takes away merciful and gracious providences, when he carries not towards them as he was wont to do, but vexes them with all manner of adversity, Deut. xxxi. 17, "I will forsake them, and many evils and troubles shall befal them:" when he ceases to protect them from evils and enemies, as in times past, and provides not for them as he was wont to do; when he takes away his ordinances, and bereaves a people of the glorious things of his house; or takes away his spirit from accompanying them, whereby the glory ceases, and the ordinances are rendered ineffectual for the saving good of a people.

2. How may it appear that God may forsake such a people?

It may appear by what God hath threatened. What God hath threatened to such as the point speaks of may be inflicted on them; but God hath threatned such judgments to such a people. "My anger shall be kindled against them, and I will forsake them, as near as they are to me, and as dear as they have been to me," Deut. xxxi. 17. Many such threatnings are found in the scripture against Israel, who are stiled a people near unto him.

In that such as have been near to God, and he near to them, have complained of their being forsaken by God. "Thou hast forsaken us," is one of the bitter moans on record that the church of God did often make unto him.

What God hath inflicted on such may be inflicted on such again; what God hath done to some, he may do to others in the same state and relation, for he is unchangeable. Those that were once the only peculiar people of God, near to God, and had God near to them, yet what is their condition at this day? A forsaken condition is the condition of the offspring of Abraham, God's friend, a seed whom he had chosen, and hath been so for above sixteen hundred years. God hath been angry with them, and forsaken them, as they were foretold long ago. How is it with the churches of Asia, that were once famous golden candlesticks? that had epistles written to them? Are they not in a forsaken condition? not the face of a church to be found amongst them.

In that they may do that which may deserve a forsaking, therefore they may do that which may actually procure it. They may do that which may deserve a forsaking; they may through the corruption and unbelief of their hearts forsake God, and God may in just judgment retaliate, and thereupon forsake them. This is spoken in the forequoted place, Deut. xxxi. 16, 17, "They will forsake me, and break my covenant which I have made with them; then my anger shall be kindled against them in that day, and I will forsake them, and hide my face from them." So again, 2 Chron. xv. 2, "But if you forsake him, he will forsake you;" (the first is supposed,) "if you forsake him," (the latter is imposed,) "he will forsake you."

But why doth the Lord forsake such a people? The reasons:

1. To shew that he hath no need of any, he hath forsaken many, and may forsake many more, to shew that he hath no need of any. God would have all the world to take notice, (that though all men have need of him, yet) he hath no need of any man.

2. To testifie his sanctity and severity against sin, he will not spare them that have been near him, if they will not spare their sin for him. He is a holy God, and if they will have their sins, and their lusts, and their ways, and their lovers, he will vindicate his holiness, by inflicting his judgment on them.

3. To be a warning to all that enjoy his gracious presence. That they see they make much of it, and that they take heed that they do not sin against him and forsake him, and provoke him to forsake them also.

Caut. The point is to be understood of a people that are visible and externally near and dear to him, and these may be totally and finally forsaken of God; and yet here it must be noted, that God may exercise a deal of patience and forbearance toward such as he is about to forsake; he did so with the old world, he did so with the Israelites of old, he did so with the seven churches in Asia; he is not wont suddenly and at once to forsake a people that have been near and dear to him; but he is wont to give them warning, and in patience to bear a while with their frowardness, and wait to see if there be any returning to him, before he doth inflict this heavy and sharp judgement.

Use. It serves to admonish us, not to bear ourselves too high upon the account of priviledges. It is a great priviledge to have the Lord near us, and to be near unto him; and some lean upon this, though they abide in their sin, Micah iii. 10, 11, "They build up Sion with blood, and Jerusalem with iniquity, yet will they lean upon the Lord, and say, Is not the Lord amongst us?" But if our deportment be not according to our priviledges, if we do not carry it thereafter, by becoming an humble, fruitful, and holy people, the Lord will bring forth this heavy burden against us, we shall be rejected and forsaken of the Lord, whatever our external priviledges be.

But the second part of the doctrine, or the second doctrine, may be now spoken to, viz.

That it is the heaviest burden, or the sorest of judgments, for the Lord to forsake a people.

There may be two things spoken to in the management of this truth: 1. Arguments to evidence it. 2. The uses of it.

1. If God hath threatned it as a very sore judgment, then sure it is so. Now when God hath been angry with a people, he hath manifested the same by menacing them with his forsaking them when he hath been designed to do them a deep displeasure; upon the account of some high provocation he is wont to threaten them, not by taking away this or that outward comfort from them, but by taking away himself from them.

And that is a woe indeed, a woe with a witness, Hos. ix. 12, "Yea, woe also to them when I depart from them." This is the wofullest day that such a people are wont to meet with.

2. God's forsaking a people is a sore judgment, in that it exposes them to all judgments. Sin is a great evil, in that it exposes to all evil; this is a great evil of punishment, in that it exposes to all punishments. If God be gone, our guard is gone, and we are as a city in the midst of enemies, whose walls are broken down. Our strength to make resistance, that's gone, for God is our strength. As a carcase without life is a prey to beasts of prey, so are a people forsaken of their God, to all their devouring enemies and to infernal and cursed spirits; they are exposed to mischief and the malice of all their malignant enemies. When the Lord had forsaken Jerusalem, the Romans quickly made a prey of it; when they were destitute of God, their habitation became desolate. There is no protection to a people whom the Lord forsakes, but they are perplexed on every side.

3. Because the evils that are on such whom God hath forsaken, they are only evils. The prophet Ezekiel sometime hath the expression, Ezek. vii. 5, "Thus saith the Lord God, An evil, an only evil, behold, is come." This is such an evil, an only evil to a people; an evil, whilst God is present, may have much good in it, the Lord may sanction it for abundance of blessing: there is hopes of this whilst the Lord continues amongst them, but if he be gone it is an only evil, and the evils that come upon them are such they have nothing but evil in them.

4. Because no creature can then afford any help, for what can creatures do when God is departed; he makes the creatures useful and helpful, but without him they can do us no good, stand us in no stead. They may say to thee, as the King of Israel said to the woman, that cried, Help, O king; he answered, If the Lord don't help, whence shall I help thee? All creatures may say, If God be departed, we cannot help; nay, the very devil cannot help if God be gone. When God departed from Saul he sought help from the devil, 1 Sam. xxviii. 15, "Wherefore (saith the devil) askest thou of me? seeing the Lord is departed from thee."

5. It appears to be a sore judgment, by the anguish and distress that such have been in, that have been sensible that God hath forsaken them. Sin hath flown in the face of such and terrified them; Oh the blessed God is gone, and if he is gone, mercy is gone; and oh for such and such sins that ly upon me! what shall I do? what a moan have saints themselves made in such a case! as David, Psal. xxii. 1, 2, "My God, my God, why hast thou forsaken me? why art thou so far from helping me? and from the words of my roaring? Oh my God, I cry in the day time, but thou hearest not, and in the night season, and am not silent." Oh how Saul roared out his distress, and that on this account especially, that God was departed from him, not so much that the Philistines were upon him; had not God been gone he could have dealt well enough with them, but here was the misery, and the sting of the misery, God was departed from him.

6. It is a sore punishment, in that it is a great part of the punishment of hell. The essential parts of that punishment is pain of loss and sense, and the former some reckon the greater.

Use 1. How foolish are sinners that do even bid God depart from them; as we read, Job xxi. 14, "Therefore they say unto God, depart from us, for we desire not the knowledge of thy wayes." But do they know what they say? Oh, sinners, is this your wish? if it be granted it will prove your woe for ever. Happily God's presence is now your trouble, but I tell you his absence would be your torment.

2. See here what an evil it is to forsake God; is it a judgment of judgments to be forsaken of God? surely then it is the sin of sins to forsake him; the evil of punishment is in being left by God, and the evil of sin is in leaving God. What, forsake God, who is our only good? God who made us and possest us from our beginning, God that hath been the guide of our youth, that hath been good to us, and fed us all our dayes? Jer. ii. 19, "Know therefore and see, that it is an evil thing and bitter, that thou hast forsaken the Lord thy God." And there is an aggravation of it, ver. 17, "Thou hast forsaken the Lord thy God, when he led thee by the way:" As a guide to direct thee, as a staff to support thee, as a convoy to guard thee, as a father to provide for thee, that thou hast wanted nothing; well may it be said, how evil and bitter a thing is it that thou hast forsaken the Lord. He adds in the 31st verse, "Oh generation!" Generation of what? of what you will; God leaves a space that you may write what you please; generation of vipers, or monsters, or any thing rather than generation of God's people. See the word of the Lord, behold your face in that glass; so your causeless apostasies. Have I been a wilderness unto Israel? have you wanted any thing, oh ye degenerating, crooked, and wilful generation? God may say to such sinners, as Pharaoh to Hadad, when he would be gone, 1 King xi. 22, "But what hast thou.

lacked with me, that thou seekest to be gone?" What hast thou lacked, sinner, that thou seekest to be gone from the Lord? The sinner must answer with him, Nothing, howbeit let me go in any wise. He came to him in his distress, and when his turn was answered away he packs; they forsake because they will forsake.

3. Wonder not that God's saints have been so solicitous with him not to forsake them. Thus David, Psal. cxix. 8, "Oh forsake me not utterly:" he might well be solicitous in this matter, for he understood what it was to be forsaken of the Lord. They press hard with the Lord, whatever he doth he would not leave them nor forsake them, Jer. xiv. 9, "Leave us not." And no wonder there are such means, when the Lord may have seemed to have forsaken them.

4. If God's forsaking be so sore a judgment, it should make us more cautelous and wary, lest we pull down this judgment on our heads. Men should be afraid of this heaviest of judgments, more than the child of whipping.

5. Let God's dear ones take heed of concluding against themselves, that they are under this judgment: they are readiest to conclude against themselves, and yet really in the least danger. Thus we read, Isa. xlix. 14, "But Zion said, The Lord hath forsaken me, and my Lord hath forgotten me:" But why said Zion so? it was from diffidence; as saints do not forsake God as others do, Psal. xviii. 21, "I have not wickedly departed from my God," so God will not forsake them as he forsakes others, not utterly forsake them. His forsaking of his is but temporary and partial.

But here a question may be moved, What is the difference betwixt a sinner forsaken and a saint forsaken? for the Lord doth not forsake both alike. 1. When God forsakes his own, yet they cry after him, he withdraws himself from them sometimes, yet so as that he draws their hearts after him, as a mother may hide away from her child that it may seek and cry the more earnestly after her. 2. They retain good thoughts of him in his withdrawment or absence; as the spouse in the Canticles, she calls him her beloved still; as the faithful wife, she retains good thoughts of her husband, and keeps up her respect, though he be gone from home; but the wicked, when the Lord forsakes them, harbour hard thoughts of him. Is this to serve the Lord and walk in his ways? what good have I got by all I have done? See how he hath served me.

3. They will seek him till he return again; when the Lord forsakes others, they will seek after vanities to make up the want of God's presence. The adultress, in her husband's absence, will seek after other lovers: the true saint will be satisfied in nothing else but the Lord till he return. Moreover, there is a difference in God's forsaking the sinner and the saint; when he forsakes the wicked they are left in darkness, but when he withdraws from his own he leaves some light, whereby they see which way he is gone; he leaves some glimmering light by which they may follow after him and find him.

And again, when he leaves his own, yet his bowels are towards them, Jer. xxx. 20, "My bowels are troubled for him, I will surely have mercy upon him, saith the Lord." He hath an eye towards them for much good, in his forsaking them.

Use 2. Of Exhortation: 1. To thankfulness to God for that he hath not yet forsaken us. Whatever he hath stript us of he hath not yet stript us of himself, he hath not as yet forsaken us; he might have done it, and have done us no wrong, but he hath not yet done it.

2. To do our utmost that he may not forsake us, and here there may be added motives and means.

1. Consider God's lothness to forsake us. This is a thing that he is not desirous of; he doth not willingly afflict us with this sort of affliction, or grieve us with this grievous stroak: God hath shewed himself loth to depart from those that have departed from him, but hath warned them of his displeasure that they might stay him. It goes near God's heart to forsake a people that have been near to him. Methinks I hear him say-

ing thus, How shall I give thee up, O New-England! thence speaking to warn us of our forsakings of him and to be instructed; why? lest his spirit depart from us, Jer. vi. 8, "Be thou instructed, O Jerusalem, lest my soul depart from thee, lest I make thee desolate, a land not inhabited." You may easily stay him; the matter is not so far gone but you might yet stay him; were we but as loth he should forsake us as he is to forsake us, he would never leave us. His gradual motions from a people argue his lothness and unwillingness to leave them.

2. Consider what the Lord is to us, or what relation he stands in to us, while he is with us; he is our friend, we have found him to be so, and a special friend too; men in the world are not willing to forego a friend, a good friend; he is as faithful, skilful, powerful, and tender-hearted a friend as ever a people had, he stuck by us when also we had been in a woe case, Psal. cxxiv. 1, "If it had not been the Lord who was on our side, may Israel now say;" and had not the Lord been on our side, may New-England now say. He is a father and a tender-hearted father, Isai. lxiii. 16, "Doubtless thou art our father." Can children be willing their father should leave them? he is a husband, Isai. liv. 5, "For thy Maker is thy husband," a loving, careful, tender husband too. Can the wife be willing to part with her husband? If the Lord forsake us we are bereft of our friend, left friendless, he is all friends in one, none can be our friend if he be not; if he leave us we shall be as orphans, for he is related as a father, and how sad is the state of poor orphans, and we shall be in a state of widow-hood, a very solitary and sorrowful state. He is our guide and our pilot, what will become of the blind if their guide leave them? and what will become of the ship if the pilot desert it? Thus the Lord is to his, and well may he say, as Mic. vi. 3, "O my people, what have I done? or wherein have I wearied thee, or given thee any cause to be weary of me?"

3. Consider there are shrewd signs of God's intent to leave us, unless somewhat be done. If you enquire what, I answer,

1. The sins for which God hath forsaken others are rife amongst us; the sins for which God forsook the Jews are our sins.

1. Horrid Pride, Hos. v. 5, "The pride of Israel doth testifie to his face:" pride in parts and pride of hearts, pride in apparel and vestures, and in gestures, and in looks, how lofty are their eyes! New-England is taken notice of abroad for as proud a people, of a professing people, as the world affords.

When a people are humble the Lord will stay with them: if our immunities, which are God's mercies, puff us up, God will empty us, he will blast that to us that we are proud of.

2. Deep and high ingratitude. Do you thus requite the Lord? Deut. xxxii. 6; so the prophet Hosea taxes them, Hos. ii. 8, "God gave her corn, and wine, and oyl, silver and gold, but she consumed them on Baal." We have been blest, but hath God had the glory of our blessings?

3. Oppression. Amos viii. 4, "Ye that swallow up the needy;" these Jews were like the fishes, the greater did devour the less; some are like wild beasts, like wolves that tear off the fleece and eat the flesh of the flocks. There is more justice to be found in hell than amongst some men on earth, for there is no innocent person oppressed there.

4. Weariness of God's Ordinances. Amos viii. 5, "When will the Sabbath be done?" They that are weary of the service of God and the ordinances of God, they are weary of God. God indeed hath fed us to the full as to ordinances, and we are glutted and surfeited, and have lost our esteem.

When mens commodities bear but a little price in a place they will remove the market; if gospel-ordinances are but a cheap commodity, have lost their price, and men are weary of them, God will let out his vineyard to another people. If our mercies become our burdens, God will ease us of them.

5. Cousenage in mens dealings, making the ephah small and shekel great, selling the refuse of wheat, Amos viii. 5, 6, "They pick out the best grain for themselves, and the refuse is to sell."

6. Idolatry, which is spiritual adultery, and is there nothing of this? chusing of new gods.

7. Incorrigibleness, or Opposition of a Spirit of Reformation. When God calls to a people to return, by repentance, but they will go on still in their sin, God calls them by his judgments and by his rod; but they will not hear, as 'tis, Jer. v. 3, "Thou hast stricken them, but they have not grieved; thou hast consumed them, but they have refused to receive correction; they have made their faces harder than a rock, they have refused to return." When it is thus with a people, God will pluck up and be gone, so Jer. vii. 13, 14, "Because they would not hear, and would not answer the call of God, I will do to this house, as I did to Shiloh." Why what did the Lord do to Shiloh? ver. 12, "Go to Shiloh, and see what I did to it, for the wickedness of my people Israel:" go and view it, and you will see what he did, he left tokens of his wrath upon them, and forsook them.

2. Another sign of his intent to forsake us is, in that he is dealing with us as he is wont to deal with them that he is about to forsake. He takes away those that are mostly with him; he will take away his Moseses, those that stand in the gap, and binds his hands with their prayers, when he is designed to pour out wrath upon a people; he will remove the lights when he is about to darken a land. When men send away their plate, and jewels, and choice things, it intimates their intention of removal.

3. Another sign is our luke-warmness and indifference in religion, a usual fore-runner of its removal. When a people care not for God, and the things of God, he hath left them, in some measure, already; and if that spirit abide, he will not tarry long with them.

Use 1. Of Direction. 1. Examine and humble yourselves for all departures from God, your forsakings of him; humble yourselves for them, confessing with bitterness your evil therein, bemoaning yourselves before the Lord upon the account thereof. May the Lord hear his people, from Dan to Beersheba, bemoaning themselves, Ephraim-like, then the Lord will hear and have mercy, and not leave us for his names sake.

2. Judge yourselves worthy to be forsaken, because of your forsaking of him; if you judge yourselves worthy to be forsaken, God will not judge you worthy to be forsaken, 1 Cor. xi. 31.

3. Pray the Lord not to forsake you, the Lord is sometimes staid with prayers: prayers have prevailed with majesty often, and may do again.

4. Forsake your sins whereby you have forsaken him. Nothing less than this will prevent this mischief coming upon us; if there be any, either son or daughter, that will not leave their sins for God, God will leave such.

FINIS.

The Emperor's Concession to his Protestant Subjects of Hungary, as they were sent from Vienna in Latin, and are now translated out of the original Copy, 1681.

The protestants of Hungary, oppressed by the house of Austria, were at this time in arms, under the celebrated Tekeli, who, for the further security of the reformed religion, had called in the Turks to his assistance. The situation of the emperor was become so precarious, that he would have been willing to compound with his insurgent subjects upon the footing of a general amnesty, and security in future for the undisturbed exercise of the protestant religion. Accordingly the following articles of pacification were sent to the diet of Hungary, assembled at Odenborg, during a truce which then subsisted: but both parties had gone too far for compromise or confidence. Tekeli refused to trust himself at the diet, and the civil wars of Hungary were not terminated until after the battle of Vienna, which so greatly weakened the power of the Turkish empire.

The most gracious Resolution of his Sacred Imperial Majesty, our most benign Lord, in the Matters of Religion; obtained by the Mediation of his Excellency the Palatine of Hungary, the Eighth of this present Month of October, 1681. *Exhibited by the Vice-Palatine to the Noble and Magnificent Lord representing the Royal Person, and to all the illustrious States and Orders of the Realm, in the State-house of that Kingdom, viz.*

I. THAT all and singular the states and orders within that kingdom, whether they be peers, or gentlemen, or free cities and privileged towns, that immediately relate to the crown, shall remain in their faith and religion.

II. That all the Hungarian soldiers that inhabit on the frontiers of the kingdom, shall enjoy the same freedom of religion.

III. That not only the aforesaid liberty in religion shall be granted to them, but also the free use and exercise thereof, saving to the several lords of the soil their rights and properties.

IV. That it shall not be lawful for either party hereafter to remove or expel the ministers of the church for religion, in such places where the exercise of their religion is practised.

V. That there shall be no more seizures of churches.

VI. That those churches which, in the time of the late troubles, from 1670 till now, have been seized, shall remain to the present possessors.

VII. That in every country, those of the Augustan[1] confession, and all such as are comprehended under that name, shall have liberty to build a church for the exercise of their religion, if there be none there already.

VIII. That if they have any churches there already, they shall be left to them, together with the revenues thereunto belonging.

[1] Protestant.

IX. That it shall be lawful for the peers and gentlemen in the said counties to erect and endow chapels, or places of worship, for the exercise of their religion, within their respective castles

X That all things contained in the first article of the pacification at Vienna, shall be in force.

XI. That in all parts of the kingdom of Hungary belonging to the emperor, the catholicks shall have the free use and exercise of their religion.

XII. That particularly those of Posnia, that are of the Augustian confession, shall have power to build one church, in a convenient place to be appointed for that purpose; also that those of the city of Sopronia shall remain undisturbed in the possession of the exercise of their religion which they now enjoy.

XIII. That the grievances which hereafter arise in matters of religion, shall not be determined by force of arms, but by the king only, after he hath heard both parties; and that the eighth article of the sixth decree of King Ladislaus shall be revived and observed.

XIV. That all the inhabitants of the kingdom, of what rank, order, or degree soever, shall abstain from reviling and reproaching each others religion, or the professors thereof, upon pain of incurring his majesty's highest displeasure.

Letters, which came by the same post with the foregoing concessions, add, that the diet at Odenburg were then upon the point of restoring the goods and estates which had been taken from the malecontents, and to make satisfaction for damages sustained by them; and that there was no doubt but the grand affair of religion being adjusted, this and other points would soon be determined. Also, that the peace between the emperor and the grand seignior would be continued ten years longer; so that it was hoped that his imperial majesty, together with the states of Hungary, and the princes and states of the empire, would speedily unite against the French, whom they now look upon as the common enemy of Christendom rather than the Turk.

A short Account of the Life and Death of Pope Alexander the Seventh; with a Description of his Funeral Machine, and Elegies erected in St Peter's Church in Rome. Together with an exact Relation of the particular Ceremonies performed at the Creation and Coronation of this present Pope Clement the Ninth, with a Catalogue of all the Cardinals. Translated out of the Italian Copies printed at Rome. By P. A. Gent. Printed 1667.

Fabio Chigi, who assumed, as pope, the name of Alexander VII., was an excellent scholar and a tolerable Latin poet. Before his election he was reckoned no bigot to the Roman faith, and it is even said that, while nuncio in Germany, he had thoughts of embracing protestantism, and was only deterred by the fate of his relation, Count Pompeio, who was poisoned at Lyons as he passed into Germany for the purpose of abjuring the papal superstition. But Chigi's sentiments were probably altered on his obtaining a cardinal's hat and the office of secretary to his predecessor, Innocent X., on whose death he was unanimously elected by a conclave consisting of sixty-four cardinals. After his elevation, he confirmed the bull of his predecessor against the opinions of Jansenius, and was author of the formulary for abjuring the five celebrated pro-

positions derived from the works of that divine. He also published a bull prohibiting every one to impugn, by word or writing, the doctrine of the immaculate conception. He died, therefore, more regretted by the Jesuits than the Jansenists, after having been pope more than twelve years.

HAVING, out of some Italian papers, undertaken to draw a succinct account of the last sickness and death of the late Pope Alexander the Seventh, I was afraid that the work would seem but maimed and imperfect if I should not insert some passages relating to his first rise and advancement to the papal dignity. I have, therefore, given this following hint to that effect, for satisfaction of such as, being unacquainted with his history, desire to have some knowledge of his beginning, before I come to speak of his latter end, which is the principal scope of this short narrative.

Pope Alexander the Seventh was native of the city of Sienna in Tuscany, and descended of the ancient family of Ghisi, who, in his younger years, growing eminent for his great parts and learning, was promoted at his riper age to the bishoprick of Imola, in the territories of the church, and therein behaved himself with so much prudence and policy, giving manifest proofs upon all occasions of his great capacity for publick employments, that he was made vice-legat of Ferara, then inquisitor of Malta, and afterwards sent nuncio to Cullen and Munster, at the treaty held there for a general peace.

And having undergone all these offices, and in them acquired much honour and reputation, he received, as a reward of his great merits, a cardinal's cap in the year 1652, in the month of February, from Pope Innocent the Tenth, and was admitted into the number of *Purpurati;* after which, as a greater testimony of the pope's favour to him, he was constituted secretary of state, and in that employment continued till the death of the said pope, and his own election to the papacy, unto which he the rather attained, as was supposed, to cross the designs of the faction of the Barbarini.

At his first creation, that he might gain the hearts of the common people, he used all means to express his charity to the poor, amongst whom he distributed great sums of money; the like he did for the deliverance of prisoners, and for beautifying and building many churches, and other publick structures, not only in Rome, but also in several places in the estate of the church; wherein he exhausted most part of his treasure, and politickly refused all presents which were made him by such as intended thereby to insinuate themselves into his favour; as, in particular, three rich coaches, with six horses a-piece, from the Cardinal de Medici, the Cardinal Arach, and the Prince de Pamphilio: and, amongst the rest, a damask bed embroidered with gold, from that grand she-statist Donna Olympia,[1] the bosom favourite of his predecessor Innocent X.

He filled all the vacant and most considerable offices (so soon as he was established in his throne) with very eminent and deserving persons, and, amongst others, he conferred on the present Pope Clement the Ninth the place of secretary of state. To be brief, during his whole reign, which was almost thirteen years, he gave evident testimony of his zeal for advancement of the interest of the see of Rome, shewing great moderation and indifferency toward the several factions, always shunning as much as he could the adhering to any one of them in prejudice of another.

But that I may not go beyond the limits of my intended brevity, which was only to give you this small account for the better understanding of what follows, and that I might not be thought abruptly to begin the subsequent discourse of his last sickness

[1] See her life, printed at London 1667.

and death, I do therefore now wave further particulars of his life, and proceed to the intended relation.

The pope being seized with his old distemper in the beginning of the last Lent, and, foreseeing the danger which threatened him, without expecting any other advice of his physicians, was willing to prepare himself for the great passage which he foresaw that in a short time he was to make from this life to another; and, intending in the first place to disentangle himself from all external business, that he might be able, with less distraction, to apply himself to the internal concernments of his soul. On the 13th day of March, of this present year 1667, new style, he called a consistory, whither, being apparelled in the accustomed habit, he went in person, although much cast down by his infirmity, yet, recollecting all the spirits and vigour which were left him, he constrained himself to perform that great function: wherein he promoted to the cardinalship eight of those select persons, whom he supposed, for their great worth and labours, bestowed for the good of the papal see, had merited the advancement of so high dignity.

But his disease increasing, four days after he was assaulted by a grievous fit, from which he concluded that his sickness was mortal; and, notwithstanding it grew more and more violent daily, yet, for all this, he had thoughts of performing the long ceremonies of Holy Thursday, to prepare himself for death, as he said, by meditating on the sacred mysteries of the passion of Jesus Christ, and would have executed his intentions in despite of his pains, if his physicians and chirurgeons, together with his confessor, had not persuaded him to the contrary, remonstrating to him the inconveniences which might arise from the hard labours which are inseparable from such prolixe ceremonies. And altho' he was persuaded by them all that time, yet was he resolved, with that little strength he had left him, (though much broken and extenuated by his disease,) on Easter-day, upon the gallery of Monte Cavallo, where this function is used to be performed, with a solemn benediction in *Pontificalibus*, to bless the people, which there flocked in exceeding great multitudes, being driven thereunto not only out of devotion, but also by a desire of seeing their pastor yet whole and alive. He blessed them, having raised himself up twice, according to the custom, without the help of the pontifical seat; and this was the last time that he saw his flock, or they him.

But it was not God's will that he should long enjoy this apparent prosperity, for three days after he was assaulted by mortal pains, and such ones, that the former, in comparison of these, seemed but light flea-bitings; which, that he might gain vigour to resist with patience, he ordained the most holy sacrament to be exposed in all the principal churches of Rome. But the disease growing desperate, and he being assured by the physicians that he was to die, he received the tidings of death not only with a total resignation to God, as he said, but also with rejoycing and cheerfulness, as a message of eternal felicity, which he hoped to enjoy: then called for the Viaticum, which, after his confession, he received with great devotion. After this, he caused all the sacred college of cardinals to be called to him; and though he was, by the sharpness of his disease, brought very low, and almost reduced to extremity, yet he addressed himself with a steady voice to them, in a most excellent and elegant exhortation in the Latin tongue, which, he said, he purposely chose, because he could better express his conceptions in that than in the Italian. In this, among other things, he put them in remembrance of his election, and their compelling him to accept that high dignity, which was far from his thoughts, wherein he affirmed that they had made him sacrifice the sweetness of his rest to their resolutions: he begged their pardon for his frailty, which he might through his passion have committed; makes an apology for expending great sums for promoting the church interest; intreats them to use the sincerity and clearness in the next election, which was shortly to be, as they had done in his; exhorts them against covetousness, wherein he used this expression, Consider that from the church you have received the most honourable part of what you possess, that if you

were constrained to leave that which you received from the church to the offerings of others, how much more contentedly (without any other appetite) should you then enjoy that which you do now possess, &c.? Lastly, he recommends to their care and protection his cardinal nephew, his aged brother, and the rest of his kindred, and himself to their prayers. This being spoken, he lifted up his hands and blessed them; and then their eminencies, having made some reflections upon his discourse, approached to the bed-side with tears in their eyes, and, after they had taken pains to comfort him, with great tenderness they kissed his hand and departed.

At last, they being all departed, and only his familiar friends and ghostly fathers continuing in the room with him, he altogether applyed himself to his devotion, often repeating these words, *Cupio dissolvi, et esse cum Christo.* And those which assisted him. he caused continually to read spiritual books, and diverse prayers and psalms, especially the penitential psalms, &c.

Now, if his disease was long and painful in the highest degree, his patience was then very admirable and incredible, which he shewed in his suffering of those cruel and most grievous torments, as, without doubt, those were which he endured, in regard of the many parts of his body which, after his death, were discovered to be offended, yet was he never observed, during all his sickness, to have a discomposed countenance.

A certain priest presented him with a picture, where there were very well drawn some hearts, behind every one of which was represented one of the misteries of the most holy passion; and he sent him word, that it was not for any pretence he had that he presented him with that picture, but only that at the sight of that he might call to mind the torments suffered by Jesus Christ, and thereby arm himself with patience when his pains were most violent. It is impossible to tell how acceptable this gift was to him, which, although it was but simple indeed, he requited the donor of it with much liberality, and caused it to be put behind the pillow, in that place exactly where he used to lay his head when he was most tormented with pains; and from time to time he commanded it to be removed to the feet of the bed, that he might with the more ease and sitting up behold it.

After he had received both the Eucharist and the extreme unction, he disposed himself for his transit with a marvellous undauntedness; and had already even lost his speech, when one of his religious men standing by, exhorted him to do an act of contrition, and to ask God pardon of his sins; he, collecting his breath, which was flying away, with a most languishing voice, which could hardly be understood, answered *Ita.* The same added, that he should hope in the mercies of God, who is always ready to shower down his mercies upon a penitent heart, the pope answered, with the same weakness of speech, *Certe,* which were the last words which proceeded out of his mouth. Although his agony had lasted long, and above measure painful, nevertheless the great pontiff did not shew the least sign of impatience; and when he perceived himself to decay, he said, " One's life should decay before one's death." He desired to have his indulgence in *Articulo Mortis,* from the hand and voice of one of the *religiosi* that assisted him.

He was often visited by the cardinals, contrary to the former customs, who were willing to be round about his bed till his end: and on Sunday, the twenty-second of May, about twenty-two of the clock, he quietly rendred his spirit to his Creator, in the sixtieth year of his age, and thirteenth of his pontificate; and the same evening, the usual ceremony being performed by the cardinal lord chamberlain, the corpse was arrayed in the accustomed vestments, put into a litter of crimson velvet, open on all sides, compassed round about by the penitentiary fathers, with lighted torches in their hands, accompanied by the guards and light horses, followed by the artillery, and with the rearguard of curiassiers, being carried to the Vatican, and there the next morning opened,

there was found on one part of the lungs, fastened to one of his sides, a touch of a black spot; one of his kidneys wasted, and some carnosities, or fleshy kernels, instead of it, from whence the passage of the urine was hindred; and an ulcer of the reins, which of all his other diseases was the worst. From thence, being embalmed and pontifically apparelled, he was carried the next day to the cathedral of St Peter, and placed in the chapel of the most holy sacrament, where was a concourse of an infinite number of people to kiss his feet, and take from him whatsoever they could lay hands on, to preserve to themselves as holy reliques.

A brief Description of the great Funeral Machine builded within the Cathedral of St Peter in Rome, for the Obsequies of his Holiness Pope Alexander the Seventh; with a Copy of all the Inscriptions and Elegies put up there in Praise of his Holiness.

Very considerable is the fabrick of the great mausoleum erected in the Basilica of the prince of the apostles, opposite to the prince of the chapel of the most holy sacrament, for the death of his holiness Pope Alexander VII. It consisted of a most high urn, supported by a pedestal having a triple crown over it, with four spires, which much exceeded the height of the aforesaid one, with four steps, or degrees, between the four obelisks, which were all round about full of coats of arms, and impresses, borne up by very high pedestals, on the fronts of which were seen the arms of his holiness, and some most elegant inscriptions, which shall be here presented for the satisfaction of such as are curious.

On the first spire, from the side of the epistle over against the chapel of the most holy sacrament, were the two following inscriptions:

Vaticani Templi Sanctitatem
Maximus Alexander,
Ut generi Humano augustiorem redderet
Circumduxit admirandam Porticum,
Quam Theatrum dixeris.
Ubi gestum facit cum majestate Religio.

And because the abovesaid inscription alludeth to the building of the great porch of St Peter's church, therefore over it was a medal, wherein was painted to the life the fabrick of that church.

On the other side of that column was the following inscription, alluding to the temple of St Maria in Portico, caused to be builded as above after the Contagion, with its medal likewise over it:

Extincta pestilenti Lue
Optimus Alexander
Ex Romani Populi Voto
A fundamentis extruxit grande Templum
Sanctæ Mariæ in Portico,
Quasi Romanæ Portum securitatis.

Over against the chappel of the canons, called of the Pieta, on the lower part, was engraven upon one of the fronts of the pedestal of the spire the following words, alluding to the cathedral of St Peter, with its medal over it:

Ferream tempestatem timente
Sapiens Alexander,
Cathedram Petri Arbitram temporum
Opere aureo magnificè ornavit;
Sic docuit non nisi per Petri sedem
Vigere auream ætatem.

In the same spire, on the other side, alluding to the building of the church, and the gate Del Popolo, with its medal painted over it, were these following characters:

Totam ornaturus Romam
Beneficus Alexander;
Primum Populi Portam, mox Templum
Amplum, ac luculentum exornavit;
Sic tantum fausto ingressui tribuit,
Quantum studuit, ut Romam fæliciter coleretur.

Upon the other front of the pedestal of the spire, opposite to the chappel of Pieta, were these following verses, alluding to the building of the Sapientia and of the library they erected, with its medal above:

Romanam Academiam Sapientiæ Sacram
Prudens Alexander.
Amabiliorem reddidit, ac opportuniorem;
Pulcra ædificatione insigni Bibliotheca:
Roma potentius regitur
Amore sapientiæ, quam potentiæ metu.

On the other side of it alluded an inscription to the building of the church of Santa Maria Della Pace:

Apertum tot annis Jani Templum
Pacificus Alexander
Ingeniosa pietate tandem clausit;
Nobilitato Templo,
Quod Virgini, ac Paci dicatum est:
Sola Deipara Bellonam fugat.

Upon the front of the obelisk, over against the chappel of the Sacrament, on the uppermost part, were the following words, with their medal over them, alluding to the restoration and building made in the port of Civita Vecchia:

Centum Cellas adversum Barbaros
Vetus Ecclesiæ Romanæ propugnaculum
Bellico Armamentario instruxit:
Tunc vere arcentur hostes
Cum parantur vires, quibus arcantur.

On the other side of this spire alluded to the restoration and beautifying of the church and piazza, or market-place of Santa Maria della Rotunda:

Ædem Agrippe superstitioni superstitionem
Pius Alexander,
Depressa Platea, repositis Columnis
Pristino splendori restituit.
Ne in hoc olim Ethnicæ impietatis Regno
Christiana pietas indecore triumpharet.

On the two other fronts of the four spires there was for each of them another medal, without any inscription underneath. Other buildings were painted there, made in the life-time, and by order of the memory of the deceased pope. The urn was likewise adorned with the histories of the glorious actions done by his holiness the pope. In the lower front was represented the Immaculate Conception, for the which his holiness some years since had been so much concerned. In another was figured the coronization of St Thomas of Villa Nova, the Augustinian. In the third front was that of St Francesca di Sales, Bishop of Geneva. And in the fourth the beatification of St Peter de Arbues, the Aragonian martyr; and near to that were two pictures of the deceased pope.

All the great medals, pictures, and impresses were beautifully adorned with gold, with the compartments equal and uniform, which give no little admiration to the great concourse of people who flocked to behold the symetry of a fabrick, which amidst sadness breathed out so marvellous beauty.

And principally was the wonder of the beholders increased on Monday morning, and the other two days following, (wherein the lords cardinals performed the last funeral offices round this mausoleum,) when it appeared lighted by near six hundred wax-lights, besides a number of great candles and torches; and the splendour of the gold triumphing over the black colour, with that of the burning luminaries, it was not to be discerned whether or no the lights gave a more pleasing variety to the gildings, or that the gildings borrowing from them, made the greatest lustre.

At this fair and mournful spectacle remained speechless with admiration four great silver'd statues, representing the four virtues, Prudence, Justice, Fortitude, and Temperance, who sat by the sides of the urn,—silent not only out of admiration, being the beholders of so fair and vast a mole, but also for sadness, as having lost so dear a cherisher of theirs, that had known so well how to learn happily their doctrine.

It was admirable in the morning to see the luminaries burn, with which the whole machine was ordinarily filled, whilst it flamed round about the four great spires, by certain windows whereof they were full, and in them did marvellously ascend within side artificially by certain degrees, which were guided commodiously almost from the extremity of the obelisk, the work of the mole remaining so admirable and undefaced until this present, to the end that each curious eye may be sufficiently satisfied with beholding it.

A true Relation of the Ceremonies performed within and without the Conclave for the Creation of Clement the Ninth, elected the 20th of June, 1667; with an Account of the Joys of Rome.

Julio Rospigliosi, of a noble family of Pistoia, was born in 1599. He was sent by Urban VIII. as nuncio to Spain, in which important office he had the good fortune to please both the pope and the most catholic king. After his return from that country, he was secretary to Alexander VII., who afterwards created him cardinal. Being placed in the throne of St Peter, in the manner mentioned in the following tract, Clement laboured to compose the dissensions which the disputes concerning the propositions of Jansenius had introduced into the church. He is said to have mediated between the crowns of France and Spain during the treaty of Aix-la-Chapelle. But his principal object, and to which he dedicated great part of his revenue, was the relief of Candia, then closely besieged by the Turks. His grief at the loss of that island to Christendom hastened his death, which took place 9th December, 1669, after reigning about two years and a half.

Amongst the fair and curious functions which are usually performed in the Roman court, one is that of the creation of the sovereign bishop, or pope, whereof the relation of one ceremony ought not to be omitted; and which is so much the more admirable by how much it happeneth but seldom, and that not all those who, being curious, desire to see the like novelty, can feed their eye in beholding it.

The spirit of Pope Alexander the Seventh being flown up into heaven the two and twentieth of the month of May of this present year, 1667, and his obsequies performed by the holy college of St Peter, the nine following days the lords cardinals, to the number of sixty-two, entered into the conclave on Thursday evening, the second day of June, there being absent from the court four lords cardinals, Aragona, Viscounti, and Moncada in Spain, and Tun in Germany; and four more of their eminences lying sick at their palaces in Rome, two of which, after some days, entered into the conclave, (to wit,) Ludovisio and Santa Croce, and the other two, Pallavicino and Bandinello, past a small time after to a better life.

The lords cardinals were then in the conclave, to the number of sixty-four, and the first morning, the third of June, his eminency the Lord Cardinal Barbarino, the deacon, having in the chapel celebrated the low mass of the Holy Ghost, he himself administered the communion to the rest of their eminences, to whom he afterwards made a succinct oration, exhorting them to be prepared for the receiving into their hearts the divine fire of the Holy Ghost, to the end that, being filled with that celestial heat, they might zealously bring forth the election of a pope, which might be an excellent shepherd to govern the Christian flock.

In the following days, when they had with mature consideration made many scrutinies and accesses for diverse subjects, finally after the supreme papal see had been vacant for the space of twenty-eight days, was the most eminent Lord Cardinal Giulio

Rospigliosi created, with sufficient votes, for supreme pastor, whose noble bud and ancient stock was produced in the pleasant garden of one of the famous cities of our Great Tuscany. Pistoia it was that hath had the fortune to bring forth him, who, with his experienced prudence, maturity of counsel, and sanctity of life, hath always made himself remarkable, and will render himself more so in his high throne, even to the people most remote and barbarous.

My pen is not a fit pencil in the least to rough-draw the great jubilee with which the hearts of the people of Rome were filled, when, on Monday morning, the twentieth of June, it began to be whispered about the city, that so deserving a prelate had been created the sacred Monarch of Christendome; and every one desiring, by manifest signs, to be certified of it, left their own houses, running hither and thither, and, like distracted people, find no quiet whithersoever they range, all congratulating with their friends their being favoured by Heaven with so holy a pastor

In the mean time, the last scrutiny and access being finished in the chapel called Di Sisto, wherein the supreme bishop was created, and the door of it set open, there were seen to appear the illustrious lord sexton, the masters of the ceremonies, and the secretary; and after the schedules were burned, as it is the custom to do every day, the lords cardinals, Francisco Barbarino, as deacon of the holy college, and Arach, as first priest, made the accustomed intreaty to his eminency the Lord Giulio Rospigliosi, that he would accept the popedom, to the which, by agreeing votes, he had been elected by the lords cardinals, and his eminency, having accepted that sublime charge, chose to himself the name of Clement the Ninth; and it is hoped that the acts of his clemency shall not prove, but correspond to his name.

The masters of the ceremonies were called at that act, and he being then conducted by some of their eminencies behind the altar of the said chappel, was, by the assistance of the lord sexton and the masters of the ceremonies, disrobed of his cardinal vestments, and clothed pontifically, that is, with a white cassock, a rochet, a mozet, and a red sattin-cap, also with a pair of shoes embroidered with the sign of the cross.

Being clothed in this manner, he was set down in the pontifical chair before the altar of the said chappel, where all their eminencies, the cardinals, came one by one to worship him on their bended knees, for the first time, acknowledging him the chief pastor; at which adoration first appeared the Lord Cardinal Barbarino, the deacon, who (with his knees on the ground) kiss'd his foot and his right hand, and was suddenly caused to rise by his holiness, who kissed him on either cheek.

At this instant was heard to resound with sweet echoes, by the harmonious voices of the musicians of the chappel, the *Eccho Sacerdos magnus;* and amidst this loud reverberation his eminency the Lord Cardinal D'Este, one of the masters of the ceremonies, bearing along the cross, accompanying him, was conducted to the accustomed Tower of the Benediction, over the great porch of the church of St Peter, and there they had but just opened when his eminency, and the said master of the ceremonies, with the cross, could scarcely crowd in: they shewed this most holy banner to the people, who staid in the piazza eager to behold it, esteeming it a certain sign that afterwards, by the said lord cardinal, would be proclaimed those words, which clearly were heard to be pronounced, that is to say, "*Annuncio vobis gaudium magnum; habemus Pontificem Eminentissimum, et Reverendissimum Dominum Cardinalem Julium Rospigliosum, qui sibi nomen imposuit Clementem nonum.*"

Unexpressible was the content which the people shewed when these words were published; and no less was the desire of the nobility, who, without the bridge, (which was shut up with portculesses,) staid with a multitude of coaches, wherewith all the neighbouring ways were crowded: neither was the eagerness of the numerous people inferior, every one expecting with extreme impatience that they should open to them those gates

which hindred them from being able to run into the piazza of St Peter, to hear the election of the pope published, and to see the other functions.

It had already struck three or more of the clock, when, after the publication above-said was finished, there sounded unexpectedly in every ones ears the thunderings of the loud artillery, an inanimate instrument to rouze up in the hearts of mortals jubilee and mirth; the shot went alternately from the musquets, cannons, and mortar-pieces for half an hour space; the grates were set open, the chains thrown down, the coaches ran about, the people flew, nothing was heard but voices of acclamation and noises of mirth, every one desiring to get into the cathedral of St Peter, where it was hoped that they might behold the new pastor. All the bells rang; neither was there a corner in Rome wherein was not discerned an excessive joy and unexpressible contentment in all men's countenances. Nor stood the drums and trumpets idle, whose hollow metals sweetly invited the squadrons of soldiers, which ordinarily staid in the piazza of St Peter, to answer them with a doubled salvo of musquet shot, who, betwixt mirth and jubilee, had already appropriated to themselves the cardinal coach, with the horses of the sovereign pastor, from whose coachman they had also taken away his cloak, and these are the accustomed spoils belonging to the said soldiers.

In this interim many masons unwalled the conclave, their eminencies the cardinals being already brought to the second adoration in the said chappel, the most eminent Barbarino the deacon beginning as above, and the other cardinals following all in order, with purple coats; and this function being ended, the musicians of the chappel preceding who sang certain mottets, the cross and their eminencies the lords cardinals following, his holiness was carried in a pontifical seat into the Basilica, where he was, by all the sacred college, adored the third time, the aforesaid musicians singing at the same instant the *Te Deum Laudamus*, &c. The adoration being finished, and the *Te Deum*, the lord cardinal deacon was conducted to the side of the epistle, where some prayers and verses were said over the new pope, who was set down upon the altar, from which, when he had descended, the mitre being first reached to him by one of the assistant deacons, and having the cross standing before him, he turned to the people, and gave them his benediction; and after his mitre was again put on by one of the deacons, he ascended, with the said most eminent cardinals, the steps of the altar, and gave his benediction to the sacred college, on both sides of him where he stood; then being dis robed of his holy pontifical embroidered mantle, and his mitre carried to him, he was put in a close seat, and carried to the pope's lodgings in the Vatican palace, with a great train of followers, St Peter's church and the porches of it resounding with the continual voices, "Long live Pope Clement the Ninth!" his holiness imparting his pontifical blessing unto the numerous people at his ascending into the palace. Every one was satisfied to see the supreme pastor, who with his majestical gravity (by which he forced all hearts to reverent veneration, and to prostrate themselves on their knees) was observed to discover a pleasing affability.

Rome, celebrating these festivals, was seen that same night, and the other two following, all light, by a number of bonfires in the publick ways, and by many torches and other luminaries at the windows of palaces and particular houses; and each of these nights this castle of St Angelo hath with multiplied vollies of shot rouzed the courage of every one to renew the joy for the election of Pope Clement the Ninth, registred from eternity, with the pen of the uncreated Providence, in the leaves of immortality, by the sovereign Mover, who hath granted to us this holy shepherd, to the end he may rightly guide his flock, and rescue them from the teeth of the infernal wolf, with an holy pattern and an exemplary life, that may serve as a mirrour, or looking-glass, to all the world, and a spur to every one to drive them to the way of perfection, and to enrich them with some of those many virtues which are marvellously resplendent in his holiness.

At the Election of the supreme Bishop Clement Ninth, were present Sixty-four Lords Cardinals; that is to say,

Barberino	Odescalco	Bichi	Delfino
Ginetti	Raggi	Vidone	Este
Antonio Barberino	De Retz	Barbarigo	Donghi
Pallotto	Homodei	Boncompagno	Rondanino
Brancaccio	Ottobono	Litta	Maildachino
Cerpegna	Imperiale	Corsino	Hassia
Harach	Borromeo	Donelli	Carlo Barberino
Durazzo	Santacroce	Piccolomini	Pio
Gabrielle	Spada	Caraffa	Gualtieri
Orsino	Albici	Paluzzi	Azzolino
Facchinetti	Aquaviua	Rasponi	Vecchiarelli
Grimaldi	Chigi	Conti	Franzone
Rossetti	Elci	Nini	Mancino
Ludouisio	Farnese	Roberto	Celsi
Cibo	ROSPIGLIOSI	Spinola	Sauelli
Sforza	Bonuisio	Caraccioli	Vandomo

A true Relation of the Ceremonies performed at the solemn Coronation of his Holiness Pope Clement the Ninth. Dedicated to the illustrious and Reverend Father Francis Giacinto Libelli, Master of the sacred Apostolical Palace.

Reverend and Illustrious Father,

THE functions of publick demonstrations, which are wont to be made, either at the promotions of princes, or at other happy successes, deserve not the title of festival, if the applauses of the people disagree from the inward resentments of their minds; but those wherein the joys of the heart and acclamations of the tongue are united with excellent harmony, are rendered more worthy than others of being, by means of the press, transmitted to the knowledge of posterity. Such was the coronation of Clement the Ninth, lately Cardinal Rospigliosi; and for this reason I took the courage to write it, and dedicate it to the name of your most reverend fatherhood: I doubt not of its acceptance, because that you, sustaining under him (with so much praise) one of the most principal charges of the pontifical palace, never conferred but on subjects of eminent merit, cannot reject a labour which is diffused into the glory of those who fill the precinct of this holy place above any other part of Christendom, it even comes to (point out) itself, amongst the very same persons.

Betimes, on Sunday morning the 28th of June, were made ready the things necessary for the person of his holiness in the chamber of the Vatican palace, called of the Paramenti, whither the pope at the appointed hour was carried from his own lodgings.

There by the most eminent cardinals deacons, Este and Rondinino, and other ministers designed to that office, he was clothed with an amicte, a surplice, a girdle, a stole or long vesture, a rochet and a precious mitre; the sacred college of their eminencies clothed also in their accustomed purple cloaks, making a majestical crown round about him. In their appointed places stood the other prelates, every one with his cope over his surplice, and the officers wearing their cloaks.

The pope prepared, as in the like solemnity is usual, the procession began towards St Peter's church. The cross-bearer going first with the crucifix, between two assistant ministers, then the other prelates and officers, and in their places, according to the order of precedency, went their eminencies the cardinals, two by two: his holiness followed clothed as above-said, under a canopy of state, carried in a pontifical seat by his stable grooms wearing long red gowns, and the staves of the canopy of state were carried up by knights of St Peter.

The new pope being arrived at the porch of St Peter, sate down in a pontifical chair, set there on a throne, raised but little from the floor, and under a cloth of state, and then the Lord Cardinal Barbarino (archpriest of that cathedral) did beseech his holiness, that he would admit the most reverend the canons of the chapter-house to the kissing of his foot; when which function was ended he entered by the middle gate into the church, carried as aforesaid, and making his adoration to the most holy sacrament, he went towards the Clementine chappel, already prepared for this purpose, and received the most eminent cardinals to the kiss of his knee, and the other prelates to that of his foot. This ceremony finished, and the mitre being laid aside, the pope rose up, and standing, as the custom is, blessed the people: And whilst the sub-deacon who was to sing the epistle, clothed himself in his accustomed vestments, his holiness tuned the *Deus in Auditorium*, &c. of the prime.

Whilst the prime was singing by one of the assistant lord bishops, another assistant lord bishop stood forward with a book, wherein the new pope read the preparatory to the mass. By this time, the apostolical sub-deacon had dressed himself in his accustomed garments, and the sandals were taken up by the hand of the lord sexton, who, by the help of the chamberlains, put them upon the feet of his holiness, who, at the end of the prime, laying down his mitre, and standing upon his feet, sang the corrent oration, the most eminent Cardinal Barbarino the deacon holding the book before him. The prayer ended, and the *Benedicamus*, &c. said by the singers, the most eminent Cardinal Barbarino returned to his place, and his holiness was clothed in his wonted robes for the solemn celebration of the mass, and after they were quite dressed, the procession began towards the altar of the holy apostles, St Peter and St Paul, in this order.

First, went the houshold servants of his holiness and his chamberlains. Next followed the barons, the conservators, and the orators of the princes, the secretaries and consistorial advocates, confusedly one amongst another and without order, but two being the most ancient of each order led in the worthiest place; then the assistants, the clerks of the chamber, the auditors of *Rola*, the *Accolito Turiferario*, with the candlestick-bearers, the sub-deacon with the papal-cross, and with him the other sub-deacons; the sub-deacons, the one Greek, and the other Latin, each of them with his book; then the abbots, the bishops, and the archbishops followed after the bishops that were assistant to the pope, and, according to the order of precedency, the most eminent cardinals; betwixt assistant deacons, who were the Lords Cardinals Este and Rondinino, went his eminency the Lord Cardinal Maldachino, that was to sing the gospel in the papal mass. Lastly, followed the pope as aforesaid.

Afterwards, between the two priory chamberlains, came the Lord Cerri, deacon of the Rola, with the mitre, and the prothonotaries and overseers of the pope's court, not dressed. Immediately before his holiness the Seig. Fulvio Servantio, master of the ceremonies, carrying in his hand two canes, in the top of one of which was a little flax, and in the other a lighted candle, and at the pope's going out of the chappel of St Gregorio, the master of the ceremonies turning, gave fire to the flax, and kneeling before the pope, said with a loud voice, *Sancte Pater, sic transit Gloria Mundi.* And so it was done two other times before he came to the altar of the holy apostles.

The pope being come into the chancel of the chappel, the last three cardinal priests presented themselves before him, and kissed him on the breast and face. Then standing at the altar, the mitre being laid aside, and the accustomed prayers made at the desk, the mass began, and immediately after the confession was made, he went mitred into the throne, and there sat down, and was accosted by the most eminent Cardinal Antonio Barbarino, as youngest deacon, who, standing betwixt the other two bishops, sang the first prayer; and the most eminent Cardinal Ginetti, the second bishop, sang the second; and his eminency Cardinal Barbarino as first bishop the third; each of whom, when he sang, standing between the other two. When these prayers were ended, his holiness without the mitre went up to the altar, and his eminency the first deacon, by the help of his eminency Rondinino, the second deacon, taking the mantle from the altar, put it upon his holiness, saying the accustomed words at the doing such a function; coming from the altar, it being perfumed with incense, as the use is, he withdrew to the throne of the Epistola, and, standing up with his mitre on, was incensed by the most eminent Cardinal Maldachino the deacon, without admitting him to kiss his hand, as it was the custom at other times; but immediately returning to his throne, he received him to his wonted reverence, and the other prelates.

After the prayers were said, the usual litanies sung, and the mass ended, so prepared as he was, the pope went up unto the throne that was prepared upon the broad place on the top of the stairs, before the entrance of the cathedral of St Peter's, where, sitting down, he gave time to all the people to go out of the church to see the act of his coronation.

Then the most eminent Cardinal Rondinino, the second deacon, took off from his head the mitre, and his eminency the first deacon standing on his right side, put upon the head of the pope the triple crown, saying, *Accipe Tyaram tribus Coronis ornatam, et scias te esse Patrem Principum, et Regum: Rectorem orbis: in terra vicarium salvatoris nostri, cui est Honor, et Gloria,* &c.

At this time was the artillery of the castle of St Angelo shot off, the people, with voices of mirth and contentment, accompanying the loud noise of the cannons. The insolent clamours of the multitude being somewhat assuaged, the indulgencies, as the custom is, were published.

The crowned pope, after he had blessed the people, was carried without a canopy of state to the said dressing chamber, or *Camera de Paramenti,* where being disrobed, the said cardinal deacon, in few words, congratulated him in the name of all the sacred college. From hence he was conducted to his lodgings, amidst the applauses of the people, who, seeing in the person of so worthy a pope, to triumph both merit, bounty, and piety, promised to themselves a golden age.

For three whole nights all the city, and the lords ambassadors, cardinals, princes, and barons, gave signs of their contentedness with luminaries, artificial fires, and burning great quantities of pitched barrels; but it was then most pleasant to behold the castle of St Angelo, all surrounded with fire in a most exquisite order, distinguished with the Girandola, and a number of chambers and other fire-works.

Your Reverend, and most illustrious
fatherhood's servant,
STEPHANO CAVALLI.

A true and exact Relation of the late prodigious Earthquake and Eruption of Mount Ætna, or Monte Gibello, as it came in a Letter written to his Majesty from Naples, by the Right Honourable the Earl of Winchelsea, his Majesty's late Ambassador at Constantinople, who, in his Return from thence, visiting Catania, in the Island of Sicily, was an Eye-witness of that dreadful Spectacle. Together with a more particular Narrative of the same, as it is collected out of several Relations sent from Catania. Published by Authority, 1669.

The author of this tract, which was published by authority, is thus commemorated by Horace Walpole:—Heneage Finch, second Earl of Winchelsea, was "first cousin of the Chancellor Nottingham, and made a figure at the same period. He was intimate with Moncke, and concerned in the Restoration; soon after which he was sent ambassador to Mahomet the Fourth. Moncke had given the earl the government of Dover-castle, which was continued to him; and when King James was stopped at Feversham, he sent for the Earl of Winchelsea, who prevailed on the king to return to London. The earl voted for giving the crown to King William, by whom he was continued lord lieutenant of Kent. He died soon after in 1689. On his return from Constantinople, visiting Sicily, he was witness to a terrible convulsion of Mount Ætna, an account of which he sent to the King."—Walpole's *Royal and Noble Authors,* apud *Works, I.* 420.

May it please your Majesty,

In my voyage from Malta to this place, wherein I have used all the diligence the season hath given me leave, I touched at Catania in Sicily, and was there kindly invited by the bishop to lodge in his palace, which I accepted, that so I might be the better able to inform your majesty of that extraordinary fire, which comes from Mount Gibel, fifteen miles distant from that city; which, for its horridness in the aspect, for the vast quantity thereof, (for it is fifteen miles in length and seven in breadth) for its monstrous devastation, and quick progress, may be termed an inundation of fire, a flood of fire, cinders, and burning stones, burning with that rage as to advance into the sea six hundred yards, and that to a mile in breadth, which I saw; and that which did augment my admiration was, to see in the sea this matter like ragged rocks, burning in four fathom water, two fathom higher than the sea itself, some parts liquid and moving, and throwing off, not without great violence, the stones about it, which, like a crust of a vast bigness, and red-hot, fell into the sea every moment, in some place or other, causing a great and horrible noise, smoak and hissing in the sea; and thus, more and more coming after it, making a firm foundation in the sea itself. I staid there from nine a clock on Saturday morning to seven next morning, and this mountain of fire and stones, with cinders, had advanced into the sea twenty yards at least, in several places; in the middle of this fire, which burnt in the sea, it hath formed a passage like to a river, with its banks on each side very steep and craggy, and in this channel moves the greatest quantity of this fire, which is the most liquid, with stones of the same composition, and cinders all red-hot, swimming upon the fire, of a great magnitude; from this river of fire doth proceed under the great mass of the stones, which are gene-

rally three fathom high all over the country, where it burns, and in other places much more, there are secret conduits or rivulets of this liquid matter, which communicates fire and heat into all parts more or less, and melts the stones and cinders by fits in those places where it toucheth them, over and over again; where it meets with rocks or houses of the same matter (as many are) they melt and go away with the fire; where they find other compositions they turn them to lime or ashes, (as I am informed.) The composition of this fire, stones, and cinders, are sulphur, nitre, quick-silver, sal-amoniac, lead, iron, brass, and all other metals. It moves not regularly, nor constantly down hill; in some places it hath made the vallies hills, and the hills that are not high are now vallies. When it was night I went upon two towers in diverse places, and could plainly see at ten miles distance, as we judged, the fire to begin to run from the mountain in a direct line, the flame to ascend as high and as big as one of the highest steeples in your majesty's kingdoms, and to throw up great stones into the air; I could discern the river of fire to descend the mountain of a terrible fiery or red colour, and stones of a paler red, to swim thereon, and to be some as big as an ordinary table. We could see this fire to move in several other places, and all the country covered with fire, ascending with great flames in many places, smoaking like to a violent furnace of iron melted, making a noise with the great pieces that fell, especially those which fell into the sea. A cavalier of Malta, who lives there, and attended me, told me, that the river was as liquid, where it issues out of the mountain, as water, and came out like a torrent with great violence, and is five or six fathom deep, and as broad, and that no stones do sink therein. I assure your majesty, no pen can express how terrible it is, nor can all the art and industry of the world quench or divert that which is burning in the country. In forty days time it hath destroyed the habitations of twenty-seven thousand persons, made two hills of one, one thousand paces high a-piece, and one is four miles in compass, as your majesty will see by the draught that I take the boldness to send herewith; it was the best I could get, but hath nothing of the progress into the sea; the confusion was so great in the city, which is almost surrounded with mountains of fire, that I could not get any to draw one, but I have taken care to have one sent after me for your majesty. Of twenty thousand persons which inhabited Catania, three thousand did only remain; all their goods are carried away, the cannons of brass are removed out of the castle, some great bells taken down, the city gates walled up next the fire, and preparation made for all to abandon the city.

The night which I lay there, it rained ashes all over the city, and ten miles at sea it troubled my eyes. This fire in its progress met with a lake of four miles in compass, and it was not only satisfied to fill it up, though it was four fathom deep, but hath made of it a mountain.

I send also to your sacred majesty a relation in print which the bishop gave me, wherein the beginning is related, and several curious passages. I must humbly beseech your pardon for the hindering your majesty so long from your better employments: And I beseech you, great sir, ever to believe I love and reverence your person above all expression: For I am

Your majesty's
most obedient, most humble,
and most faithful
subject and servant,

Naples, the 27th of April,
7th of May, 1669.

WINCHELSEA.

A particular Narrative of the late dreadful Earthquake and Eruption, as it is collected out of several Relations from Catania.

Mount Ætna, or Monte Gibello, a mountain so renowned throughout the world for its height and greatness, but much more for those prodigious flames, smoak, and ashes which it hath cast out from the top of it, whilst the other parts are continually (even in the midst of summer) covered with snow, has been for many ages observed once, or sometimes oftner, in the space of about fifteen years, to throw up more than ordinary flames, with much smoak and stones, and great quantities of ashes; which (though terrible to the neighbouring towns and villages) was yet wont, in little time to abate of its fury, and prove but seldom more injurious to the country near it, than by communicating largely its ashes, which though for the present it did somewhat incommode them, they had afterwards a considerable compensation in the product of their land, which by this means were rendered more fruitful.

But on Friday the $\frac{8}{8}$ of March, 1669, the sun was observed before its setting to appear of a pale and dead colour, which (being contrary to what it ever before appeared to us) struck no small terror into the inhabitants, all objects appearing also of the same colour, with a paleness received from that of the sun. The same night happened in this city, as well as the whole country hereabouts, a terrible and unusual earthquake, whose strong and unequal motions, joined with horrible roarings from Monte Gibello, exceedingly frighted the inhabitants, but was so extraordinarily violent in the country adjacent, that the people were forced to abandon their houses, and to fly into the field to avoid the danger threatened them from the falling of their houses. The village of Nicolosi was of all others the most dreadfully handled by this furious earthquake, the houses and other buildings being shaken all in pieces, and buried in their own ruins; the poor people (who had preserved their lives by a timely flight, with such little of their goods as their hasty fears would permit them to carry out with them) continued a night or two in the fields, beholding with grief and astonishment the ruin of their habitations: But observing, that by these violent concussions, the earth began to open in several places, and to threaten them with inevitable ruin, they fled, though with much trouble and amazement, to this city. These shakings of the earth being so frequent and violent, that the people went reeling and staggering, with much difficulty supporting one another from falling, insomuch as what with their want of sleep, the pains they were forced to take in travelling, and the great terrors imprinted on them by what they had seen and suffered, they appeared at their arrival in this city as so many distracted people, wholly insensible of what they did.

This dreadful convulsion of the earth was immediately followed on Monday, March 11, about ten at night, by three terrible eruptions, much about the same time, at a little distance one from the other.

The said eruptions were observed to be on the side of Monte Gibello, about two miles beyond the mountain called Montpileri, from whence with a terrible noise it threw up its flames with much fury and violence about a hundred yards in height, its noise not roaring only inwards from the belly of the mountain as before, but violently cracking like peals of ordnance or thunder from the side of it, throwing out vast stones, some of them of three hundred pounds weight, which being (as it were) shot through the air, fell several miles distant from the place, whilst the whole air was filled with smoak, burning cinders and ashes, which fell like a fiery rain upon the country.

In the mean time, issued from the side of this prodigious mountain, a vast torrent of melted and burning matter, which, like an inundation, drowned, as in a flood of fire, the country on this side of it.

This burning river ran down upon the mountain Montpileri, which, opposing its direct course, it divided itself into two streams, which incompassed the said mountain; one of them taking its way by La Guardia, the convent of St Anne and Malpasso, the other by the towns of Montpileri and Falicchi, which in few hours were wholly destroyed and lost, not so much as any sign of them remaining, with several lesser villages and farms, and with them the famous image of the blessed lady of the Annunciata; which, though highly reverenced throughout the whole island, esteemed the wonder of Sicily and the whole world, and to which the people with much devotion resorted in pilgrimage from the remotest parts, was also swallowed up and consumed by this dreadful torrent.

This fiery and burning deluge immediately spread itself to above six miles in breadth, seeming to be somewhat of the colour of melted and burning glass; but as it cools, becomes hard and rocky, and every where in its passage leaves hills and pyramids of that matter behind it.

At the same time Monte Gibello from its top raged with dreadful flames, which, with its noise and concussions of the earth still continuing, added not a little to the terror of the people, who ran with cries and lamentations about the city and country, expecting nothing but to be swallowed up, or consumed by fire, having no other apprehensions but of death, and a general conflagration.

The two torrents of fire forward destroying all things in their way, and by Wednesday, March 13th, had on the west side branched itself into several streams, and overran Campo Rotundo, St Pietro, and Mostorbianco, with La Potielli, and St Antonino; and on the east part ruined the lower part of Mascalucia, and Le Placchi, taking its way towards this city.

On Thursday the 14th, the wind came eastwards, on which day fell abundance of rain, which abated not the progress of the fire; which on the east side had from Musculucia made its way to St Giovanni di Galermo, the lower part whereof it destroyed; and, passing on, seemed to threaten this city on one side, as did that on the west side the other.

As the fire approached, the religious every where appeared with much devotion, carrying in procession their reliques, especially those of St Agatha, the famous martyr of Catania, in which they reposed no small confidence, followed by great multitudes of people, some of them mortifying themselves with whips, and other signs of pennance, with great complaints and cries, expressing their dreadful expectation of the events of those prodigious fiery inundations.

Whilst the people were thus busied in their devotions, and astonished by their fears, news was brought to the magistrates of the city, that a considerable number of thieves and robbers had taken the opportunity of this general distraction, to make a prey of the already distressed people, and that they had murdered several of them for their goods; and that it was to be feared, that the city of Catania itself might run some danger from the great numbers of them which were about the country, and from thence took their opportunities to get into the town. Whereupon, consultation being had for the prevention of farther mischief from them, the commander of the castle was ordered, with a number of horse, and a party of Spaniards, to secure the country and city against these robbers; who immediately sent out several parties with his provost marshal, with order to seize on all suspected persons, and such as were not able to give a good account of themselves: and, for such as were taken in the fact robbing, to execute them by martial-law without any farther tryal; and accordingly caused three pair of gallows to be set up for their speedy execution; one before the gate Di Aci, a second in the market-place, and a third before the gates of the city, and causing all suspected houses to be searched, an account to be given in of all lodgers, and such persons to be secured as could any ways fall under a suspicion.

The poor people out of the country, being by this prodigious calamity stript out of all their estates, and reduced to great extremity, fled most of them for refuge and relief to this city, with great lamentations moving the charity of the magistrates, who were readily inclined to give them the best assistance they were able; and the citizens, moved by their complaints and sufferings, freely opened their doors, filling their houses with as many of those distressed people as they could possibly receive; the bishop and all persons of quality and estate contributing largely for their support, till better order could be taken for the disposing of them.

The city of Messina also, and several other cities, (informed of this extraordinary calamity,) sent hither large supplies of provisions, offering their best assistance to this place, in case of extremity.

All the elements seemed at this time to make war upon us, and to conspire together for the punishment of the inhabitants; the air was continually darkened with clouds and smoke, agitated by great and violent winds, and oftentimes showered down great rains, insomuch as the sun, from the beginning of these eruptions, very seldom appeared to us, and when it did, (with extraordinary paleness,) for a little time only, and (as it were, abhorring so dreadful a spectacle,) soon hid its face again under a thick cloud.

The sea ran much higher than it was wont to do, and by its extraordinary roaring, and, in some places, overflowing its banks, added not a little to our consternation; the land every where infested with thieves, insomuch that, till by the extraordinary care taken by the magistrates and officers, severe execution was done upon such as were apprehended in the fact, no person was able to stir abroad without danger of his life; whilst the fire, by this prodigious overflowing of the mountain, threatened to take possession of all.

On Friday the 15th, the stream of fiery matter which destroyed the lower part of St Giovanni di Galermo, divided itself into two parts, one of its branches taking its way toward Mosterbianco, the other threatening the city of Catania; but this last was observed to move with more slowness than before, having in twenty-four hours' time scarcely gained twenty paces.

On the 18th, being Monday, the torrents being still seen to draw nearer and nearer to this city, the senate, with Monsegnior Cambuchi, the bishop of this place, followed by all the clergy, secular and regular, and an infinite number of people, went in a solemn procession out of this city to Monte de St Sosia, carrying out with greatest devotion their choicest reliques, and, upon an altar erected in view of the mountain, exposed them, where they celebrated mass, and used the exorcisms accustomed upon such extraordinary occasions, all which time, the mountain ceased not as before with excessive roaring to throw up its smoke and flames with extraordinary violence, and abundance of great stones, which were carried through the air, some of them falling within their view, though at ten miles distance from the eruption; the ashes which proceeded from thence were scattered in great abundance, as well on this city as on the country adjacent, every where in the fields, with cinders, and the heat of the ashes destroyed the grass, which obliged the people to drive away the cattle to a farther distance, which would otherwise have perished for want of food.

These streams of ruin daily crept nearer and nearer to this city, but by uneven and irregular motions, according as it was more or less supplied from its fountain; but on Wednesday the 20th, we perceived that that branch of it which seemed most to threaten this city from St Giovanni di Galermo was wholly extinguished, and the other, which bent its course towards Mosterbianco, ran but slowly, and gave us some hopes that its fury was also near spent; but the other torrent, which had before overflown Mosterbianco, continued its motion with as much violence as ever, being in breadth above a musquet shot over; but in probability could not easily overflow to the westwards, which was defended by its rocky situation; another branch, which ran by San-

to Pietro, was observed to be much larger than the rest, and its stream more quick and active, but, meeting with some opposition in its way, it made some stop, only sending out a rivulet towards the eastwards about three or four yards wide, of its most subtile and active matter, which directed its course towards a small village, about a furlong distant from its main stream; another branch threatened Campo Rotundo, but bent its course westwards towards the farm of Falcorrente, where its fiery body was scattered into several deep and rocky places, without any considerable damage.

About this time we had hopes that the violence of this eruption had been over, the mountain not throwing out its flames with that violence as before, and its noise and roaring in a great measure ceased.

Those who at nearest distance took a view of the mountain, informed, that the top of it was fallen in, and the mountain supposed to want near a mile of its former height; that the largest of the mouths from whence these fiery streams were vented was about half a mile in compass, but the view of this dreadful inundation carried so much terror in it as they were not able to express; from all these mouths were vomited rivers of a thick and fiery substance of stone and metals melted, whose depth was various according to the several places it filled in its passage, in some places four, in others eight, twelve, or fifteen yards and upwards; its breadth in some places six miles, in others much more; its flame like that of brimstone, and its motion like that of quicksilver; advancing ordinarily very slowly, unless where it was provoked by the addition of a fresh torrent, or some considerable descent. Wheresoever it passed it left large heaps of its congealed matter, with which it covered and burnt the earth, melting the walls of castles and houses, throwing down and consuming all before it, nothing yet found able to resist its force, nor any thing able to quench its burning, water being observed rather to add to its fury; wheresoever it has passed, it has left its dreadful marks behind it, levelling some hills, and raising others, so much changing the situation, that not the least trace of any place or town remains, nothing being to be seen but confused heaps of ragged stone, which, yielding a noisome fume, strikes terror and astonishment into all that behold it.

On Friday the 22d, the mountain again roared with much loudness, and threw up from its mouths a vast quantity of matter, which formed two large hills higher and larger than that of Monpileri, with a large bank of the same matter to the eastwards, sending down a violent stream of its liquid matter towards Malpasso, much enlarging the former current, and passing thence to Campo Rotundo and Santo Pietro, compleated the ruins of those towns, driving furiously towards Mosterbianco; the other stream by Santo Giovanni de Galermo being wholly diverted and extinguished.

From this time till the 25th, the mountain continued silent, but then it burst out again with more force than before, its noise much louder, like peals of ordnance, and so forcible and lasting, as for twenty-four hours it caused a shaking and trembling in our buildings, the air so filled with smoke and ashes, as darkened the face of the sky.

The birds and fowls about this time, either through want of food or illness of air, which was corrupted with the noisome smells arising from these burnings, were observed to lie dead in all places.

On the 28th, the grand current was advanced near the city as far as the old Capuchins, which struck so great a terror into the people, that most of them left the city, only some officers remaining with such persons as were under their command, who have secured and sent away the magazine and all the artillery from the castle.

A later Relation from Catania, bearing Date the 27th of April, gives us this farther Account, viz.

The dreadful inundation from Monte Gibello having destroyed many castles and towns, with an infinite loss, and utter ruin to the inhabitants, arrived lately with a renewed force at Mosterbianco, which it has wholly ruined, from thence passing on to Albanelli; in four days space destroyed all the gardens and vineyards, with sixty-three thousand vines.

On Wednesday, April 16, with an impetuous fiery torrent, it came towards Sardanello, where all the remainder of the inhabitants of this city were spectators of it, which resembled a river of melted and burning brass about ten ells wide, running with swiftness to the arch of Marcus Marcellus, a famous piece of antiquity, and passing under it, ruined about six ells of it, which was the breadth of the current in that place; from thence it run to Madonna di Monserrato, which it wholly destroyed; then falling down to Madonna delle Gratie, it entered it at one gate and passed through another without any considerable hurt, and running through the gate Della Decima, filled all the plain Di Schiara Viva, where it was about six ells deep. Then taking its way towards the bulwark on the sea-side, under the castle of this city, it ran by, two ells deep, into the sea; in which (to the great wonder of all that saw it) it has made its progress a mile in length and as much in breadth, and is drawing towards the gate of the channel, which gives us great apprehensions least it may, that way, invade the city itself: Nor is there less danger on the side Del Tindaro, where there runs a great torrent of the same active matter, which draws near, and seems to threaten the walls; and is in that place about a mile in breadth, having overflowed and destroyed all the gardens from the gate Della Decima as far as Madonna delli Amellati.

A List of the more considerable Towns and Places ruined by the dreadful Earthquake and Eruptions.

The town of Nicolosi, wholly ruined by the earthquake.

The towns of Padara, Tre Castagni, the greatest part destroyed by the earthquake.

The towns of La Guadia, Malpasso, Campo Rotundo, La Potielli, St Antonino, St Piedro, Mosterbianco, Montpilieri, La Anunciata, Falicchi, wholly overflowed, consumed, and lost in this fiery inundation, with all the lands belonging to them, no footsteps of them remaining.

The towns of Mascalucia, St Giovanni da Galermo, ruined in part.

The large gardens and vineyards of Albenelli overflowed and destroyed.

The famous piece of antiquity of Marcus Marcellinus, much ruined.

Madonna de Monserrato destroyed, besides many other castles, farms, and other places, which have run the same fortune, whose names, we, for brevity, pass over.

Of Love, by Algernon Sidney, Esq. never published.

"The following letter is a proof of the truth of Cicero's observation, that some of the most seemingly incompatible passions, namely, love for the fair sex, the ardour of the warrior, and the judgment of the statesman, are often lodged in the same breast."

There is no doubt of the authenticity of this tract, as Mr Collins, in his Memoirs of the Sidney Family, prefixed to the collection of papers in two volumes folio, mentions the manuscript as existing at Penshurst. He appears not to have known that it was ever printed.

In writing on this subject I am very jealous of myself, having ever been so inclined unto this passion, that though my experience in the power of it may make me more knowing in it than those that have never felt the effects of it, yet I very much doubt my own weakness may shew itself in the discourse of love, (which I confess hath with more violence transported me, than a man of understanding ought to suffer himself to be by any passion,) more evidently than in any other in which I am less concerned; but it is better to speak passionately, and perhaps unadvisedly, of that we know, than universally, darkly, and ignorantly of those that we feel nothing of; and therefore, what we say must be what we hear from others, (that is to say) not our own. I could wish that all men would do the like, write and speak what they know in themselves, and leave the judgment to others, whereby we should come to a much more exact knowledge of our own natures, than either we can attain unto by reading the painted artificial writings of those that rather aim at setting forth what should be, than what is, and, speaking nothing of themselves but their praises, do rather desire to be thought wise men than to be good, and, aiming at honour more than truth, disguising themselves, delude others; or those who, Ixion-like, embrace clouds, fill themselves with airy abstracted speculations, that please the fancy but never inform the judgment, both seeking for applause, neither care to benefit themselves or others. I am perfectly free from any consideration without myself; I write my thoughts at one time, that, in perusing them at another, I may come to the knowledge of myself, that, by seeing without passion that which I write in passion, I may know what I am, how I improve or impair; as one that hath his picture drawn when he is emaciated by sickness, may, in his recovery, by comparing that with his present countenance, judge, in some degree, of the state of his own health; and we are so often transported by passions, that we shall never judge rightly by the present sense of our condition; we must see what we are in all accidents, how temperate in love, how strong against fear, and the like, by an impartial consideration, when we are free from any disturbance, as all men are by intervals, and our memories will not so exactly represent unto us what we were, as these kinds of writings, which are the representations of the present thoughts. But, that I may no longer swerve from my subject, I will now endeavour to examine the nature and the effects of it. Love is the passion that hath passed all censures, as various as the kinds of it, or the effects. It is by all esteemed the most powerful of passions, by

most the best. Some stick not to say it is the worst, because the least controulable by reason. It is of as many kinds as there are objects in the world and inclinations in men; but I intend at this time only to speak of that to beauty, the height of which we commonly call, being in love. This consists of as many sorts as beauty, which are two, that of the mind and that of the body; the Platonics add a third, which is of sounds; and if every thing may be called beauty that hath proportion and correspondence of parts, that name may certainly agree with sounds, though they are to be judged neither by the eye nor the understanding, which are generally esteemed the powers that distinguish betwixt beauty and deformity; but, howsoever, these two only will fall under my discourse; for what excellence soever is in sounds, that can only be an invitation, not the object of love, unless a man could be fancied to be nothing but ear, as echo is nothing but voice, that is to say, nothing at all, and so incapable of any thing, or of being. The stoics, general enemies to all passions, do also reject this, as that which doth too much soften the mind, depriving it thereby of that firmness of temper which is that only in which reason delights and governs; nevertheless, stories are full of those wise men, who, for all their pretended austerity, have fallen as deeply under the power of that passion, as any other in the world, as if the Divine Power had made use of it to shew them the vanity of their principles. Epicureans allow so much of it as conduceth to pleasure, but reject the transporting part; and to shew how well they make this good, Lucretius, one of the chief fathers of that sect, for all his philosophy, grew so desperately in love with a young wench, who, rejecting him for his old age, he in rage threw himself down a steep rock into the sea. But the Platonics are the perfect patrons of that passion, even to the degree of disliking hardly any thing that carries that name, without enjoining difference of sexes; but that of man to man, if it go further than friendship, (which little cares for beauty) I only take it to be rooted in the most unnatural of vices, therefore detestable; and understanding nothing of it, I leave the discourse to those that do; and for that which I intend to mention, conclude it doth imply necessarily difference of sexes.

Love is the most intensive desire of the soul to enjoy beauty, and, where it is reciprocal, is the most entire and exact union of hearts. Divers reasons are given for the birth and growth of it; some esteem likeness of natures; others, like constellations ruling at the time of birth; for my own part, I can only conclude, that whatsoever pleaseth the eye and the fancy is beautiful, whatsoever we think beautiful we desire to enjoy, and that desire is love. There are also two kinds of this love, the one perfectly spiritual, which is called the Celestial Venus, and, having its seat only in the mind, hath the mind only for its object, delights in virtue and excellence of understanding, neglects the visible beauty, contents itself solely with that fruition which is to be had by conversation. The other is absolutely sensual, makes the exterior part its object, and hath no other end but sensual pleasure; the first is an affection for angels, pure and contemplative, the other for beasts, filthy and sottish; man is a creature composed of both these, a celestial and angelical part, which is the soul, and of the terrestrial, fleshy, bestial part, which is his body; so that his affections ought to participate of both his natures, rejecting that which solely consists in the admiration of the soul, as that which he can very imperfectly judge of; and where the knowledge is imperfect, the desire must needs be very cold; neither is he pleased with the other; those are but weak chains which take hold only of our senses; the principal part in us challengeth a share in all our pleasures, and must have wherewithal to content itself, or else there is nothing fixed; therefore, a man to love as a man, must have regard to both, and as long as he is in any degree reasonable, can fix his heart neither absolutely upon that which is too high to be understood, nor too low to be approved; a mixed creature must have mixed affections, and can love only where he finds a mind of such excellency as to delight his understanding, and a body of beauty to please his senses; and

the mind being by much the most considerable part in us, the principal care is for the pleasing of that; for the mind being the only fixed power in us, fixed affections can only grow from thence; the eyes are wandering, the senses uncertain, the desires that proceed from them must be so also; the necessity of which appears in this; every thing acts according to a principle within itself; an angel loves spiritually; a beast, that is all flesh, comprehends not spiritual things any more than an angel tastes carnal things; and a man, that is composed of reason and sense, rationally and sensually both together. Besides, every agent proposeth unto itself enjoyment of good, that is, pleasure, for all that is good is pleasant, and nothing ought to please but that which is good; that is good only that satisfies; that can never satisfy, which is agreeable only to one part of a composed creature; the soul disdains sensual pleasures, the senses taste not the spiritual; so that to please both, the object must be such as both may join in the enjoyment. I will conclude this point with this assertion; the spiritual affections are so cold as hardly to have any being, sensual so mad as to be unworthy of any thing that pretends to a reasonable soul, and the strong, lasting, high, and perfectly human passions, are only those which proceed from the admiration of an excellent mind, clothed with a beautiful body; this is a rare jewel well set, and fit to be sought after with all the powers of the soul and body, as that only which can content both with the fullest and most absolute happiness that our natures can be capable of, in comparison of which all other worldly pleasures are vain and empty shadows, unworthy of being sought with intention of mind, or enjoyed with satisfaction; happy therefore is he who hath his hopes and desires crowned with success, or that in the search of them, being denied pleasure in this life, finds ease and rest in death. To this I may add, that every thing is received according to the measure of the receiver, and every man loves more or less spiritually or sensually, as he doth more approach to the angelical or bestial nature, for the same degrees and differences that are in our persons are also in our affections; and though it be true that some men love as sensually as beasts, yet will it not follow that others attain to the spirituality of angels; for it is very ordinary to see those that have the shapes of men so absolutely corrupted with vice, that they seem to have no soul, or so much as serves them instead of salt only, keeps them from corrupting and stinking; but the other sort is not seen amongst men, I mean those of angelical perfection. The best of men are troubled with frailties and vices, the worst have nothing else; for which no other reason perhaps can be given, than that it so seemed good to the Divine Wisdom, unless you will take this for one, that we have within ourselves a power of doing or being ill, but that our recovery from that condition of illness which is natural to us, is, by the power of God upon our hearts, who gives his graces unto such men, at such times, and in such proportion as he pleaseth, leaving us still with many infirmities, that we may humble ourselves, and acknowledging God to be the author of all good, depend upon him for a delivery from all interior and exterior ills, and reserves the state of perfection to fill up the measure of our happiness when we come to that of immortality. To this I may add, that morally vice is easy and natural to us, but virtue is to be understood only by discourse and practised by care; into the first every fool can run blindfold, the other is only the work of an excellent spirit, refined by great maturity and strength of wisdom; to the one facility invites, from the other difficulty deters, which is as much more eminent in the one than the other, as it is harder for one that is placed in the midst of a steep rock to climb up to the top thereof, than to throw himself down to the bottom.

The next point is to shew what is the strength and power of this affection. It is generally concluded by all to be the strongest of all; and, besides what every man that hath tasted of it finds within his own breast, all books are full of stories of such as, in comparison of the person loved, have despised all worldly things; and, being possessed by that passion, been transported to actions much beyond their ordinary facul-

ties, either good or ill, as the nature of the person, affection, or the present occasion inclined and required. But all that is alleged by others is cold and weak in comparison of what those find within their own hearts, who have been capable of this best and noblest of passions; their whole mind is full of but one thought. The allurements of the world, which other men call pleasures, they have no taste of; the business is tedious and insupportable; their whole care and industry is solely employed in serving and pleasing the beloved person. They are strangers to fear, joy, grief, hope, anger, but such as hath its spring from love; their desires are most intensively placed upon one object, which, by a strange violence, transports us beyond ourselves; gives courage to the most fearful; sharpens the wit of the most simple; gives fidelity to most depraved minds, constancy to the most unsettled; and, of itself alone, hath power to draw those hearts which have received it to acts of goodness, honesty, virtue, and gallantry, with more efficacy than all the most exact examples of history and philosophy. The reason of this I take to be, that love, for its end, proposeth the enjoyment of beauty: beauty consists in order, harmony, and uniformity, unto which all ill actions have an absolute contrariety, having neither rule, order, form, or measure, but are like vice, the spring from whence they flow, full of confusedness and deformity. Besides, he that loves, desires to render himself acceptable to the person loved, which, being full of virtuous inclinations, (or at least thought to be so by the lover,) doth abhor all that is not agreeable to reason and goodness; and the lover finding nothing to be pleasing, but that which is suitable to the affections of the object of his passion, rejects and hates all depraved desires, as destructive to his chief design; and, therefore, with an active earnestness, applies himself to correct the defects of his own nature, which hath produced more excellent actions than all the affections in the world put together. Unless I am mistaken in this, that it is not love that makes them virtuous, but being virtuous inclines them to love. But lest that, by proposing the enjoyment of beauty for the end of love, I should be thought too much drowned in sensuality, I must explain myself a little: It is very certain that all desire is for fruition, but that fruition that satisfies a desire must be of the same nature with the desire itself; sensual desires are satisfied with sensual fruition, spiritual with spiritual, mixed with mixed; or, that I may not trouble myself with terms, I may in one word comprehend all,—the desire of a lover is to be loved, and that perfect union of hearts is the perfection of lovers' happiness; for though we are inclinable to desire the senses may not be excluded, yet, having the principal end of our desires, we may rest fully satisfied, though that in some particulars we find ourselves crossed by fortune; for he cannot be said to want any thing that is made one with the person that is full of all excellencies. Neither is it extravagant for me, who profess love to beauty, to be contented with spiritual fruition; for though in my choice I aim at the beauty of the body, it is principally thereby to discover the beauty of the mind; for Nature, which delights in proportion, suits not an excellent mind with a deformed body, nor a vicious (that is, deformed) mind in a beautiful body; Nature's works are not like hypocrites or sepulchres, beautiful without, and rottenness and corruption within; it were a deceit to cover the wretched wickedness of a vicious mind with those glorious ornaments of beauty, which make up one of the attributes of the Deity. And whereas beauty, which is the greatest excellency of things created as well as uncreated, and is, in things created, a motive to us to admire the greatness and goodness of the Creator, if it did palliate vice, would be the greatest snare to us that is imaginable, and, instead of delighting in the outward resemblance of God, bring us to worship the devil: But an intention to deceive our weak natures cannot proceed from the spirit of goodness; that is a diamond set in gold, and the other a worthless flint, which he suffers to lie in the dirt. That is truly excellent which God hath caused to shine with the glory of his own rays; wheresoever there is beauty, I can never doubt of goodness. Those parts of the sea that are safe have calm and smooth waters, but

where dangerous rocks lie at the bottom, even the surface is perpetually rough and troubled. It is true, that not only age impairs all beauties, but many are destroyed by accidents, from which even the most excellent are not exempted, as the safest parts of the sea may be disturbed and troubled with storms; but that opposeth not my purpose, for aiming at real not fantastical excellence, I look for the natural, not the accidental beauty or deformity, and will no more grant that a beautiful face can by the small-pox, or any other accident, grow deformed to one that knew and loved it before, than that a deformed can change its nature by painting, though both will deceive any eyes that have not excellent faculties of discerning. Upon all which it will appear, that as the beauty of the body gives the beginning to love, but that after the image thereof is graven upon a heart, and the beauty of the mind discovered, it is not in the power of age, or any natural or accidental cause, to root it out or deface it; for that which at the first was only the act of the fancy by the help of the eyes, is now grown to be the act of the understanding, firmly fixed in the heart and mind, which being the governing power in man, finding its own desires satisfied in being loved, finds rest within itself; and, though there is a flame remaining in the senses which mutiny for their part also of fruition, they are not able to cause any great disturbance in a man that is reasonable. But if the mind fail of its desire, the whole frame of man is in confusion, the heart is rent asunder by the violence of the passion, and there is no power left to appease the rage of the senses. This extremity of disorder and torment seems fabulous to those that have not felt it within themselves; every one is apt to say, if he cannot obtain the affections of one person, why doth he not apply his to another who is more kind? but they little understand love's mystery who use these discourses; for no man is in love, but with an opinion of the excellency of the beloved person above all others, and hath absolutely resigned his heart unto her; the most exact beauties seem but vain shadows, the excellentest minds but imperfect images of her perfection, and, failing of his desire in enjoying her only who hath the power of his heart, despiseth all things else, and, being despised by her, hates all that himself despiseth: and that which fills up the measure of the rejected lover's torment is, that despair will not cure it; for to love without hope is but a seeming contradiction. For though hope is to desire as fuel is to fire, the elementary fire burns without fuel, and passion, grounded upon confession of excellence, outlives hope; or, if there be such a power of man, to confine his desires to his hope, (which I believe only in those that are weak, faint, and grounded only upon some trifling convenience,) they are of all men most happy, their calm breasts are free from disorder; and while other wretches are in trouble, they find perfect peace, their love serves only to procure pleasure, and, like a strong well-tempered stomach, either draws nourishment out of whatsoever it receives, or casts it up; so they try all, and retain only such as increase their happiness. Nevertheless, a true and perfect lover would not procure his own rest by defacing the beloved image which with so much joy he printed in his own heart: but I think this part of discourse is frivolous as impossible, and that same image doth take such root, and grows so entirely one with the heart, that both must live and die together without possibility of separation, at least with me I am sure it is; my passion hath made itself master of all the faculties of my mind, and hath destroyed all that is in opposition unto it. I live in it and by it, it is all that I am; take away that, and I am nothing. I can neither conform my desires to my hopes, nor raise my hopes to my desires; the lowness and meanness of my fortune and person forbids me to hope; the beauty and loveliness of the person whom I love makes my desires approach as near to eternity, as that can do which is seated in a mortal foundation. My constancy is both my fault and my punishment; death only can give me a dismission from either.

Having spoken something of what love is, and of the effects of it, it i now time to see whether it ought to be reproved or commended, denied the entrance into hearts,

turned out, or embraced; or rather, if I had observed any method, when I spoke something of others opinions upon it, should have finished my own; but I writing only today that which I shall read the next week or month, and then burn, having no other intention but to ease my troubled thoughts, and to attain to the knowledge of myself, by setting down neatly the true state of my mind, I little care for those rules which are necessary to those who are to depend upon others judgments; I content myself with setting down my thoughts without caring for rule or order, as appears by breaking and returning to my story; by affirming, first, That one of the principal works for which we are sent into this world, is to admire the works of Him that made both us and it; those are the most excellent that are the most beautiful, (for beauty is the perfection of excellence,) and those works of nature are of most perfect beauty, which are living; and of the living, the reasonable only can content the reasonable soul; the most excellent, therefore, in beauty of reasonable creatures doth best deserve our admiration, and thereby we do fulfil a great part of the end for which we were created: But who can admire any thing without desiring the fruition of it, and that desire is love. For what reason can be imagined for the difference that we see in persons, (for the same power that made all things could have made all alike perfect,) but to make thereby a difference in our affections towards them? Why are some made glorious in beauty, but to draw our affections unto them? Why others cursed with deformity, but to give the greater lustre unto those that are contrary to them, or to shew the illness of their natures, as marks that men should beware of them? How blind a sottishness is it, not to see and distinguish of beauty? And what a beastly malice is it, not to love that which we acknowledge to be excellent? The glory of divine rays do appear in faces, but much more in minds: Who can then without barbarity (I think I may say impiety) deny to suffer himself to be ravished with the admiration of such an excellence of a created beauty, as is an image of the uncreated? or to be enflamed with the love of it, and the desire to enjoy it? If desires were absolutely sinful, they had never been given us; if beauty might not be desired, it had never been created; there is no forbidden fruit out of paradise; we have a free liberty of enjoying all that is good. Goodness and beauty are convertible terms and indivisible things. They that are wise desire that which is best, and they happy that attain unto it. But some will say, we ought to desire even the best things with moderation, which love destroys. Ah! let that extend to ordinary things; desire riches, honours, and the like, coldly and unpassionately, they cannot content the mind, therefore ought not to possess it; but where beauty of mind and body meet, both in such excellency as leave not liberty to the fancy to imagine any thing more perfect, who can attribute too much either to it or the Author, since that alone is able fully to satisfy all our desires? Worldly things do often cloy us, but never content us. Some consist wholly in contemplation, entertain the mind, neglect or destroy the body; others that satisfy the senses distaste the mind, perhaps hurt it; but most of our pleasures have their worth only from our vanity, but this; a person so qualified leaves no part of us unsatisfied, nor any thing in relation to this world to be wished to compleat our happiness; were it not then much better to use that prudence by which they pretend to moderate their affections, only in making choice of such a person to be the object of them, as may absolutely deserve their utmost attention? Besides, what can reasonably be brought to fortify this opinion? If we examine what men have been free, or possessed with this passion, we shall find few that have not tasted of it, unless they be ordinary and vulgar spirits, or such as, by the vanity of ambition, or some other furious passion or vice, (which love abhors,) transported even unto madness, which nevertheless hath not defended some of them from being made slaves to Venus: and amongst the heathens, the poets, who were their wisest men, and in their fables comprehended all the mysteries of philosophy, exempted not their gods from this passion; and amongst Christians I know but two cautions

that are put by men of understanding, which are, that love to the creature be not of such a degree as to take us from the worship and love of God; the other, that we defend ourselves from unlawful desires. Both of which I grant, and yet have as much as I desire; for that same love, for which God created and beautified the world, is the only means for us to return unto Him, who is the fountain of our being; and, through the imperfections of our own natures, being not able to see or comprehend his greatness and goodness, otherwise than by his works, must make us from visible things to raise our thoughts up to Him. And for unlawful desires, they are not more contrary to religion than to love, which delights only in beauty and virtue, hates the deformity of vice, and of that brutish lust which distinguisheth not of honour or justice. He cannot be said to love a woman, that would buy his own pleasure with her dishonour or crime; he only loves himself. Besides, the love which I defend, being in a great degree spiritual, cannot desire any thing that is vicious; vice destroys the principal object of love, which is the mind, and the benefit that is reaped by such pleasures can only satisfy the senses, which therefore love not only desires not, but hates. But the greatest reason why we should apply ourselves to oppose the birth and growth of this passion is, the infinite pains and sorrows that it causeth. How many are made miserable for one that attains to happiness by it? and even those are first exposed to all miseries before they obtain their desire. And truly to this I have very little to answer, only this, that as love is the cause of the greatest ills that men suffer, it is the cause also of the most perfect pleasures, consisting only in extremes; and as many are made miserable by love, none are made happy without love. It is the most active instrument of our natures, and causeth the most good or hurt to us. But though a quiet indifferent state, void of great griefs or joy, were to be chosen rather than this slippery precipice from whence we are so likely to fall into misery, discourses on it were vain; for our weak reason, which should be our guide, is carried away captive by the power of beauty and virtue, against which blindness only and stupidity are able to make any defence. There is another sort of people who are great pretenders to wisdom, who say, that the objects of our devoirs should be such as satisfy the mind, and that if any such can be found, too great a value cannot be put upon it; but deny that can be found amongst women; they are only light creatures, fit to satisfy the senses, maintain our species, and quench our natural desires, and have not such minds as can give delight to a wise man. How great an ignorance is this! Socrates learned his philosophy from Diotima; though she received her first principles from him, she grew so excellent as to be able to teach her master, who was able to teach all the rest of the world. And Pericles, to whom all Greece gave the preference of wisdom, confessed he knew nothing but what he had learned from the fair Aspasia; both of which were as excellent for their beauty as understanding. And who is it that doth not know that every age hath produced some very excellent in those things for which men most prize themselves, and yet these grave fools despise them. It is true, that women have not these helps from study and education as men have, but in the natural powers of the mind are no ways inferior. They exempt themselves from the trouble of those knotty sciences that serve only to deceive fools, which furnish the tongue with words, but tend nothing to the framing of the understanding; and, instead of this, they have a pleasantness of wit in conversation very much beyond men, and a well composedness of judgment, which, if they did not deserve our love, would move our envy; and unto whatsoever they apply themselves, either learning, business, domestick or publick government, shew themselves, at least, equal to our sex. I should be glad if I could except military business, naturally disliking any thing of violence amongst them, but even in that many have been excellent. But, above all, the softness, gentleness, and sweetness that is in them, doth justly move our love and admiration; whereas men's minds are as rugged and harsh as their faces, fit for boisterous action by the strength and hardiness

of their bodies, but incapable of giving pleasure; and even in that quality which men so much prize in themselves, which is courage, how many of them hath been fain to take examples in generous and bold resolutions from their wives, daughters, or mistresses. Epicharis suffered torture better than any of forty the most eminent senators of Rome, or divers hundreds of the chief of the soldiery, concealing by her constancy the conspiracy, which the weakness of the others revealed. Seneca was glad to receive encouragement and example to die from Paulina; Petus from Arria in his extremity; and the famous Brutus often from Portia; besides infinite numbers of examples of virtue, by which that sweet sex shows they can, when it is needful, excel ours in gallantry as well as beauty, and gives us sufficient reason to conclude, that they can only mitigate the troubles of our lives, which we, through a turbulent illness of nature, create to one another, but by their examples mollify our hardness by pleasures we receive from them, must recompense the mischief our harsh tempers expose us unto; and that they are only the worthy objects of our affections, it being as evident that we owe our pleasures to them as our birth; they are only able to ease our griefs and cares; and, which is more beneficial unto us, soften that rugged fierceness of mind which is our crime and plague, the instruments of our own and others miseries, by the sweet allurements of pleasure that we receive from them. Let not any man then, through a fond and impudent presumption in his own merit, despise that sex.

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